



IN THE COURT OF FAST TRACK AT MAGISTERIAL LEVEL, KARAIKUDI.

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

Judicial Magistrate,

Fast Track Court at Magisterial level,

Karaikudi (FAC),

Dated this the 23th day of March, 2026

Calender Case.No.33 of 2021

(Old C.C.No. 531 of 2007)

Crime No.522/2006

(On the file of Karaikudi Crime Police station)

CNR No. TNSV12 -000304 - 2021

Statement as per Rule 106 of the Criminal Rules of Practice, 2019

1.	Serial Number	Calender Case (C.C). No.33 of 2021
2.	Name of the Police Station and Crime Number	State Reperesented through Inspector of Police, Crime Circle, Karaikudi, Sivagangai District. Crime No. 522 of 2006. Complainant
3.	Name	1.Thirumoorhy,(46/2026)
	Father's name	S/o. Perumal,
	Occupation	N.Palapatti,
	Residence	Udumalpet.



	Age	Coimbatore District. 2.Ganesan,(64/2026) S/o. Gopal, D/No.372, Telungu Bramanas Street, Gandhi Park, Coimbatore District. Accused's		
4.	Date of Occurrence	The period intervening- 09.07.2006 and 10.07.2006 at 10.45 Hours		
5.	Date of Final Report (Date of the Filing of Final Report)	Date of Final Report: - 13.12.2007 Date of Filing of Final Report: 13.12.2007		
6.	Date of Apprehension	-		
7.	Date of Release on bail	-		
8	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	23.07.2018	NIL
		PW-2	21.05.2019	21.05.2019
		PW-3	23.07.2019	23.07.2019
		PW-4	21.05.2019	21.05.2019
		PW-5	12.11.2019	NIL
		PW-6	09.12.2019	09.12.2019
		PW-7	07.01.2020	07.01.2020



		PW-8	21.07.2023	21.07.2023
		PW-9	21.07.2023	21.07.2023
		PW-10	23.11.2023	23.11.2023
		PW-11	11.11.2024	11.11.2024
		PW-12	17.12.2024	17.12.2024
		PW-13	24.02.2026	24.02.2026
9.	Closure of Trial	24.02.2026		
10.	Accused are questioned u/s.313(1)(b) of Crpc date	06.03.2026		
11	Sentence or Order.	The offence alleged under Sections 457, 380, 414, and 109 of the Indian Penal Code, 1860, was not proved and found not guilty, the accused are set acquitted U/s.248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stands cancelled and the sureties stands discharged after lapse of appeal period.		
12.	Service of copy of judgment or finding on accused	Yes. Free copy of the judgment was furnished to the accused		
13.	Explanation of delay	The delay was occasioned due to the delay in serving of summons on the accused and Covid - 19		



		pandemic situation.
14.	Date of Judgment Reserved	12.03.2026
15	Date of Judgment Pronounce	23.03.2026

This case being taken on file in the year 2007 and previously numbered as C.C.No. 531/2007 before the Learned Judicial Magistrate, Karaikudi and thereafter, this case has been transferred to this Court and new number has been assigned as C.C.No.33/2021 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr. P.Sethuraman counsel for Accuseds and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;

JUDGEMENT

1. The present case has been charge-sheeted by the Inspector of Police, Karaikudi Crime Circle, in Crime No.522 of 2006 against the above accused persons under sections 457, 380, 414 and 109 of Indian Penal Code, 1860.



2. The prosecution case in brief as follows;

The defacto complainant is a resident of Kattuthalaivasal, Karaikudi. On 09.07.2006, the accused committed theft in the complainant's house by breaking open the lock and unlawfully entering the premises. After entering the house, the accused opened the bureau and removed the valuables kept inside. The stolen articles include one coral necklace, five gold bangles, one gold ring weighing 4 grams, silver plates weighing about ½ kilogram, one Rado watch, and cash of Rs. 10,000/-. The total value of the stolen properties is approximately Rs. 87,000/-. The said articles were found missing from the house.

3. Being aggrieved over the same, the complainant has lodged complaint on 11.07.2006 before the complainant police and on the basis of the same, the FIR in crime No. 522 of 2006 has been registered. On charge sheet being file, the case was taken on file against the accused persons and summons were issued. Hence, on appearance of the accused persons copies were furnished under section 207 Cr.P.C. The particulars of the offence of which they being accused was put to them, and accused are denied the same, as prima facie case existed, this court framed charge against the accused persons under sections 457, 380, 414 and



109 of Indian Penal Code, 1860, and asked whether they plead guilty or has any defence to make. The accused are denied the charge and claimed to be tried.

4. The evidence on the side of prosecution consists of testimonies of PW1 to PW13 and Exhibits P1 to P17 and P.M.O.No.1 also has been marked. After closure of prosecution side evidence, this court questioned the accused U/s.313 of the criminal procedure code, regarding incriminating material available against them in the prosecution evidence. The accused are denied the complicity of the offence. The defence side did not examine any witness nor did mark any document.

5. The learned Assistant Public Prosecutor for the State argued that the case of the Prosecution has been proved beyond all reasonable doubts on account of the consistent testimony of the witnesses regarding the offence against the accused persons under sections 457, 380, 414 and 109 of Indian Penal Code, 1860. Thus, it was strongly pressed on behalf of State that the Accused be convicted and given maximum punishment.



6. Per contra, the learned counsel for the accused has Arguing that Prosecution has completely failed to discharge its burden of proving the case of the Accused beyond reasonable doubts, learned Counsel for the Accused pressed upon his acquittal from the present case.

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

8. Points for Consideration:

Whether the prosecution has proved its case beyond all reasonable doubt against the accused persons for the offences under sections 457, 380, 414 and 109 of Indian Penal Code, 1860 ?

The testimonies of the Prosecution side witnesses in brief as follows;-

9. The PW1- Venkatachalam- The defacto complainant has deposed that he had let out the ground floor of his house to one Notary Club. One Balakrishnan was working as a driver under him. On



09.07.2006, at about 4:00 PM, the complainant and his wife left for Chennai for work purposes. On the next day, i.e., 10.07.2006, his owner/associate and the said Balakrishnan informed him that the side gate of his house had been broken open and that there had been an attempt to commit theft. They also informed him that a complaint had already been lodged with the police in this regard. Thereafter, when the complainant and his wife returned from Chennai, they conducted a search of the house and found that several valuables were missing. The missing articles included one coral necklace, five gold bangles, one gold ring weighing 4 grams, silver plates weighing about ½ kilogram, one Rado watch, and cash of Rs. 10,000/-. Subsequently, on 11.07.2006, the complainant lodged a formal complaint before the concerned police. During the course of investigation, only two silver plates were recovered and returned through the Court in December 2007. The said plates were marked as P.M.O. No. 1. The police further informed the complainant that the remaining stolen articles could not be recovered.

10. The PW2- Ramu- who was examined as a confession statement and recovery mahazar witness, deposed that he admitted his signatures in both the confession statement and the recovery mahazar. He further



deposed that about 10 years ago, on one day at around 5:00 PM, while he was walking along with his friend Suresh from Sriram Nagar to Udhayam Nagar, the police apprehended the present accused and another person. At that time, the police informed him that the said persons were being arrested in connection with a theft case. He further stated that he signed the confession statement and other related documents at the request of the police. However, he deposed that he does not remember the contents of the documents he signed. Thereafter, he went back to his house. In view of his statements, as he did not support the case of the prosecution, the witness was treated as hostile by the prosecution.

11. The PW3- Balasubramanian- who was as the witness to the 2nd accused's confession statement had turned hostile and did not supported the Prosecution case.

12. The PW4-Suresh- who was examined as a confession statement and recovery mahazar witness, deposed that he admitted his signatures in both the confession statement and the recovery mahazar. He further deposed that about 10 years ago, on one day at around 5:00 PM, while he was walking along with his friend Ramu from Sriram



Nagar to Udhayam Nagar, the police apprehended the present accused and another person. At that time, the police informed him that the said persons were being arrested in connection with a theft case. He further stated that he signed the confession statement and other related documents at the request of the police. However, he deposed that he does not remember the contents of the documents he signed. Thereafter, he went back to his house. In view of his statements, as he did not support the case of the prosecution, the witness was treated as hostile by the prosecution.

13. The PW5- Meenal- The wife of PW1, examined as a hearsay witness, deposed that on 09.07.2006 at about 4:00 PM, she and her husband went to Chennai. On 10.07.2006, their car driver informed them over the phone that the side gate of their house had been broken and that thieves had attempted to gain entry. Upon receiving this information, she and her husband returned from Chennai. On inspection, they found that one coral necklace, five gold bangles, one gold ring weighing 4 grams, silver plates weighing about half a kilogram, one Rado watch, and cash of Rs. 10,000/- were missing. Thereafter, her husband lodged a complaint, and the police examined him in connection



with the case.

14. The PW6- The officer who accompanied the Investigating Officer at the time of arrest and recording of the confession statement deposed that on 03.09.2007 at about 3:00 PM, while he was on patrol duty along with the Sub-Inspector of Police, one Kannan, near the backside of Kottaiyur Anjaneyar Temple, the Sub-Inspector arrested three persons, namely Thirumoorthy, Palanisamy, and Pandian. The said accused voluntarily gave confession statements, which were recorded in the presence of witnesses, namely Suresh and Ramu. The witness further deposed that he had signed the said confession statement on the left-hand side and identified his signature. The same was marked as Ex.P3.

15. The PW7- Kannan- The Investigating Officer deposed that on 03.09.2007, at about 3:00 PM, while he was conducting routine vehicle checks near Kottaiyur Udhayama Nagar Anjaneyar Temple, he arrested the accused, namely Thirumoorthy, Palanisamy, and Pandian. Thereafter, he recorded their individual voluntary confession statements in the presence of different witnesses for each accused. The admissible portions of the said confession statements were marked as Ex.P4. He further deposed that, based on the disclosure made by the accused, he



proceeded to the places identified by them and recovered the stolen properties under a seizure mahazar. He also stated that, on the basis of the confession statements, various properties connected with other cases were recovered.

16. The PW8- Sri Dharan- who was examined as a mahazar witness, deposed that about 15 years prior, while he was passing through Karaikudi Pallivasal, the police attached to the Crime Department conducted an investigation in connection with a theft of jewellery and prepared a mahazar. He further stated that he signed the said mahazar as a witness and identified his signature. The said mahazar was marked as Ex.P11.

17. The PW9- Ravikumar- who was examined as confession statement had turned hostile and did not supported the prosecution case. However he had admitted his signature in the confesstion statement and marked the same as Ex.P13.

18. The PW10- Alagar- mahazar witness had turned hostile and did not supported the Prosecution case.

19. The PW11- Malairaj - The Investigating Officer deposed that on



10.07.2006, at about 11:45 AM, while he was on station duty, one Balakrishnan appeared before him and lodged a complaint. Based on the said complaint, he registered a case in Crime No. 522 of 2006 for the alleged offences under Sections 457, 380, and 511 of the Indian Penal Code, and the First Information Report was marked as Ex.P14. He further deposed that he visited the place of occurrence, prepared the observation mahazar and rough sketch, and marked the same as Ex.P15. Thereafter, he examined the witnesses and recorded their statements. Subsequently, he altered the provisions of law to Sections 457 and 380 of the Indian Penal Code, and the alteration report was marked as Ex.P16. Thereafter, he handed over the case file to the Inspector of Police, namely Shanmugavel, for further investigation.

20. The PW12- Renganathaguptha- The person from whom the case properties were recovered turned hostile and did not support the prosecution case.

21. The PW13- Ravichandran - The present Investigating Officer deposed on behalf of the Investigating Officers, namely Shanmugavel and Arumugam, as they had been transferred and retired from service. He stated that the FIR was registered on 10.07.2006 at about 11:45 AM.



Thereafter, Inspector Shanmugavel took up the investigation, and upon completion, filed the final report on 27.09.2007.

The Point for consideration is answered as follows;

22. The prosecution case in the present matter is that the accused committed theft in the house of PW1, Venkatachalam, on 09.07.2006, by breaking open the lock and unlawfully entering the premises. The stolen items included one coral necklace, five gold bangles, one gold ring weighing 4 grams, silver plates weighing about half a kilogram, a Rado watch, and cash of Rs. 10,000/-, totaling approximately Rs. 87,000/-. The accused were subsequently arrayed in this case on the basis of extra judicial confession statements, and the prosecution examined a total of thirteen witnesses and marked seventeen exhibits to prove the charges under Sections 457, 380, 414, and 109 of the Indian Penal Code, 1860.

23. The PW1, the complainant, deposed in detail about the theft, stating that he and his wife went to Chennai on 09.07.2006 and returned the next day to find the side gate broken and valuables missing. PW5, the wife of PW1, also deposed about the incident on a hearsay basis, confirming the theft and the missing articles. While these witnesses described the occurrence of theft, they did not identify the



accused or link them directly to the crime.

24. The prosecution's case primarily relied on the extra judicial confession statements of the accused and subsequent recovery of stolen items. However, several witnesses connected to these statements turned hostile or did not corroborate the prosecution's version. PW2 and PW4, who were witnesses to the confession statements and recovery mahazars, stated that they signed the documents at the request of the police but did not know or remember the contents and thus did not support the prosecution. PW3, PW9, PW10, and PW12 similarly turned hostile and failed to confirm any involvement of the accused in the theft.

25. The police witnesses also did not provide conclusive evidence regarding recovery. PW6, who accompanied the investigating officer during recording of confession statements, did not depose about any recovery of the stolen property. PW7, the investigating officer, deposed that some properties were allegedly recovered from one Renganathaguptha based on the confession statement of the first accused, but also mentioned that some of the stolen properties had been melted or spent, which raises serious doubts about the veracity and completeness of recovery. The PW8, the mahazar witness, admitted



during cross examination that he only signed the document at the police station and had no independent knowledge of the recovery.

26. It is also notable that the first person to learn about the incident, LW1, who could have provided crucial evidence regarding the initial notice of theft, was never examined. Despite efforts by this Court, including issuing a notice vide D.No.116 of 2026, LW1 could not be traced, further weakening the prosecution's chain of evidence.

27. The case relies heavily on extra judicial confession statements, but for such statements to have evidentiary value, the conditions under Section 27 of the Indian Evidence Act must be strictly satisfied. In the present case, these conditions are not fulfilled, as the recovery of stolen items is incomplete, uncorroborated, or contested by the witnesses themselves. No independent evidence supports the connection between the accused and the theft. Moreover, it is also relevant to point out that PW13, the present investigating officer, has deposed before this Court only on behalf of the earlier investigating officers, who had either been transferred or retired. He has no direct knowledge about the facts of the case or the manner in which the investigation was conducted. His evidence is purely formal in nature and does not advance the case of the



prosecution in establishing the guilt of the accused.

28. Moreover, by considering the overall evidence, it is evident that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt. Most of the key witnesses either turned hostile or did not provide evidence linking the accused to the theft. The recovery of the stolen items is uncertain, and reliance solely on confession statements without corroboration cannot form a safe basis for conviction and the inconsistencies, missing evidence, and failure to examine crucial witnesses create substantial doubt regarding the accused's involvement. Moreover, the chain of circumstances is incomplete, and the evidence available on record is insufficient to prove the guilt of the accused beyond reasonable doubt.

29. Moreover, if two views are possible, the one favourable to the accused must be adopted. On this point held in, Jose @ Pappachan v. The Sub-inspector Of Police, Koyilandy & Another (2016) 10 SCC 519 - AIR 2016 SC 4581 in para 56, Hon'ble Apex held thus hereunder:

"56. It is a trite proposition of law, that suspicion however grave, it cannot take the place of proof and that the prosecution in order to succeed on a criminal charge cannot afford to lodge its case in the realm of "may be



true" but has to essentially elevate it to the grade of "must be true". In a criminal prosecution, the court has a duty to ensure that mere conjectures or suspicion do not take the place of legal proof and in a situation where a reasonable doubt is entertained in the backdrop of the evidence available, to prevent miscarriage of justice, benefit of doubt is to be extended to the accused. Such a doubt essentially has to be reasonable and not imaginary, fanciful, intangible or non-existent but as entertainable by an impartial, prudent and analytical mind, judged on the touchstone of reason and common sense. It is also a primary postulation in criminal jurisprudence that if two views are possible on the evidence available one pointing to the guilt of the accused and the other to his innocence, the one favourable to the accused ought to be adopted."

30. In view of the above discussion, the benefit of doubt must go in favor of the accused. The prosecution has not succeeded in establishing its case beyond reasonable doubt. Therefore, the accused are entitled to acquittal.

31. Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not



proved the guilt of the accused No.1 and 2 beyond reasonable doubt. As such the offence alleged under Sections 457, 380, 414, and 109 of the Indian Penal Code, 1860, was not proved and found not guilty, the accused are set acquitted U/s.248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stands cancelled and the sureties stands discharged after lapse of appeal period.

32. In this case the properties remanded in P.R.No.345/2007 (P.M.O.No.1) Two Silver Plates has already been handed over to the Defacto Complainant. Hence, no separate order regarding disposal of properties is required. Since, the case itself disposed off, the properties handed over to the Defacto Complainant can be retained by him and the bond if any executed for the same shall be cancelled after lapse of appeal period.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 23th day of March, 2026.

Judicial Magistrate,
Fast Track Court at Magisterial level
Karaikudi(FAC).



Chart for prosecution side witnesses:		
Witnesses	Name of Witness	Description
PW-1	Venkatachalam	Defacto Complainant
PW-2	Ramu	Confession Statement Witness
PW-3	Balasubramanian	Confession Statement witness
PW-4	Suresh	Confession Statement Witness
PW-5	Meenal	Hear Say Witness
PW-6	Sanmuganathan	Officer who part of the investigation
PW-7	Kannan	Officer who part of the investigation
PW-8	Sridharan	Observation Mahazar Witness
PW-9	Ravikumar	Confession Statement Witness
PW-10	Azhagar	Observation Mahazar Witness
PW-11	Malairaj	Investigation Officer
PW-12	Renganathakubtha	The person from whom the recovery was made.
PW-13	Ravichandran	Investigation Officer
Defence Side Witness - NIL		
Chart for Exhibited Documents :		



Exhibit No.	Description of the Exhibit	Proved by / Attested by
Ex.P1	2 nd Signature of the PW2 in Confession Statement	PW -2
Ex.P2	1 st Signature of the PW4 in Confession Statement	PW -4
Ex.P3	Signature of the PW6 in Confession Statement	PW -6
Ex.P4	Admitted Portion in Confession Statement	PW -7
Ex.P5	Seizure Mahazar	
Ex.P6	Admitted Portion in Confession Statement	PW -7
Ex.P7	Admitted Portion in Confession Statement	PW -7
Ex.P8	Seizure Mahazar	PW -7
Ex.P9	Seizure Mahazar	PW -7
Ex.P10	Seizure Mahazar	PW -7
Ex.P11	Observation Mahazar	PW-8
Ex.P12	Signature of the PW9 in Additional Confession Statement	PW -9
Ex.P13	Signature of the PW9 in Seizure Mahazar	PW-9



Ex.P14	First Information Report	PW-11
Ex.P15	Rough Sketch	PW-11
Ex.P16	Alteration Report	PW-11
Ex.P17	Complaint	PW -13
Defence Side Witness - NIL		
Exhibits of the Defence - NIL		
Material Objects Submitted by Prosecution:		
P.M.O.No.1	Two Silver Plates	PW1

Judicial Magistrate,
Fast Track Court at Magisterial level
Karaikudi(FAC).

Note:

1. During the period of trial the accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Judgment Date : 23.03.2026
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.



