



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Tuesday the 10th day of March 2026

Calendar Case No.320 of 2022

Old C.C.No.261 of 2015

Crime No.100 of 2015

(On the file of Karaikudi North Police station)

CNR No.TNSV19 – 001 – 413 - 2022

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

1.	Serial Number	Calendar Case (C.C). No.320 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through Sub Inspector of Police, Karaikudi North Police Station, Sivagangai District. Crime No. 100 of 2015. Complainant
3.	Name	1. Rajendhran,
	Father's name	S/o. Ramasamy,
	Occupation	Karaikudi, Sivagangai District.
	Residence	2. Arumugam (Died and charges abated), S/o. Saminathan,
	Age	Sekarathupatti, Sangathidal, Karaikudi, Sivagangai District.



		3. Subramanian, S/o. Muniyandi, Murugan Temple Street, Managiri, Karaikudi Taluk, Sivagangai District. Accuseds		
4.	Date of Occurrence	22.02.2015		
5.	Date of Final Report	20.03.2015		
6.	Date of Apprehension	A2-A3.23.02.2015		
7.	Date of Release on bail	A2-A3.26.02.2015		
8.		Witnesses	Chief Examination	Cross Examination
		PW-1	05.03.2024	07.02.2026
		PW-2	12.08.2024	12.08.2024
		PW-3	12.08.2024	12.08.2024
		PW-4	11.08.2025	11.08.2025
		PW-5	19.01.2026	19.01.2026
		PW-6	28.01.2026	28.01.2026
		PW-7	04.02.2026	04.02.2026
9.	Closure of Trial	04.02.2026		
10.	Accuseds are questioned u/s.313(1)(b) of Crpc date	10.02.2026		



11	Sentence or Order.	The offence alleged under sections 294 (b), 323 and 506 (ii) of 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 persons shall stand 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 accuseds as per section 404 of the Bharatiya Nagarik Suraksha Sanhita, 2023.
13.	Explanation of delay	The delay was occasioned due to the delay in serving of summons on the accuseds and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	07.03.2026
15.	Date of Judgment Pronounce	10.03.2026

This case being taken on file in the year 2015 and previously numbered as CC.No.261/2015 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No.320/2022 and the state being represented by Mr. Selvaraj, the learned Assistant Public Prosecutor- Grade I and Mr.G.Sornam the learned counsel for the accused 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 Sub Inspector of Police, Karaikudi North Police Station, in Crime No.100 of 2015 against the above accused persons under sections 294 (b), 323 and 506 (ii) of Indian Penal Code, 1860.

2. The prosecution case in brief as follows;

The defacto complainant is working as a driver in the NNL Bus Company. On 22.02.2015 at about 14:00 PM, when one Ananthan and Saravanan were sitting at the premises of the NNL Bus Company, the accused came there and asked the defacto complainant about the whereabouts of his owner, Pandi. The defacto complainant replied that his owner would come shortly. At that time, the first accused asked for the mobile phone number of the owner. The defacto complainant requested the first accused to speak respectfully and informed him that he could provide the contact number of the manager instead. However, the first accused used filthy and abusive language against the defacto complainant and beaten the defcato complainant with stick and other accused are also beaten the defcato complainant with stick. When the said Ananthan and Saravanan had tried to intervene the same, the accused are issued a life thereate by showing the iron rod against them and their owner.



3. Being aggrieved over the same, the defacto complainant lodged the complaint on 23.02.2015 before the complainant police and based on which the FIR was registered on 23.02.2015. On charge sheet being file, the case was taken on file against the accused persons and summons were issued. At this being so, the 2nd accused was died on 16.02.2024 and charges were abated. Hence, on appearance of the accused persons copies were furnished under section 207 Cr.P.C. The particulars of the offence of which he 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 294 (b), 323 and 506 (ii) 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 PW7 and Exhibits P1 to P5 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 294 (b), 323 and 506 (ii) 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 person for the offence under sections 294 (b), 323 and 506 (ii) of Indian Penal Code, 1860?

The testimonies of the prosecution witnesses in brief as follows;-

9. The PW1-Meenakshi Sundaram- The defacto complainant deposed that he knows the first accused and that he would be able to identify Accused



Nos. 2 and 3 if he sees them. In the year 2015, he was working as a driver at the NNL Bus Company. On 22.02.2015, while he was present at the office at about 4:15 PM to 4:30 PM, the first accused along with Accused Nos. 2 and 3 came to the office and enquired about his owner, Pandi, in an disrespectful manner. When the defacto complainant requested them not to use disrespectful words against his owner and when they asked for his owner's phone number, he informed them that he did not have the owner's phone number but that he could provide the manager's contact number. At that time, the accused persons took a wooden stick and assaulted him. As a result of the assault, he sustained injuries on the centre of his head and on his right elbow. The accused also used filthy and abusive language against him. Thereafter, Saravanan and Ananthan took him to the hospital. Subsequently, he lodged a complaint before the police, which has been marked as Ex.P1.

10. The PW2- Xavier - who was examined as hearsay witness had also turned hostile and did not supported the prosecution version.

11. The PW3- Saravanan- who was examined as an eye-witness to the incident, deposed that he does not remember the exact date, month, and year of the occurrence. He further stated that about nine years ago he had gone to the NNL Bus Company at Karaikudi in connection with selling a ticket machine. At that time, a person by name Rajendran came there. However, the witness



stated that he does not clearly remember Rajendran. The said Rajendran asked PW1 about the owner, Pandi. When PW1 requested him to speak in a respectful manner, the said Rajendran assaulted PW1 on his head. Thereafter, the persons who were present there intervened and pacified the situation. The witness further stated that in connection with this incident, the police examined him over the phone.

12. The PW4- Sethurajan- who was examined as a mahazar witness, deposed that about ten years ago, in the month of February, he came to know that one Rajendran had assaulted Meenakshi Sundaram, who belongs to his bus company. He further stated that on the next day, the police came and examined him and prepared a document, in which he signed as a witness. The said mahazar has been marked as Ex.P2.

13. The PW5- Anandan @ Anandharaj- who was examined as an eye-witness to the incident, deposed that in the year 2015 he was working as a conductor at the NNL Bus Company. On 22.02.2015 at about 9:00 PM, he was settling the accounts at the office. At that time, one Rajendran along with two other persons came to the office and enquired about the owner. When the defacto complainant requested them not to use disrespectful words against his owner and when they asked for the owner's phone number, he informed them that he did not have the owner's phone number but that he could provide the



manager's contact number. At that time, the accused used filthy and abusive language, and the said Rajendran assaulted PW1 on his head. Thereafter, he had admitted PW1 to the hospital and later narrated the occurrence to the police.

14. The PW6- Arivalagan- The Doctor who treated the PW1 deposed that in the year 2015, while he was on duty at the Government Hospital, Karaikudi, at about 7:45 PM, PW1 came to the hospital stating that he had been attacked by four known persons. He further stated that the occurrence had taken place at about 4:00 PM at the NNL Bus. The Doctor admitted PW1 as an inpatient and, upon examination, found an inflammatory wound on the right forearm and another inflammatory wound on the right side of the forehead. The Doctor certified the injuries as simple in nature. The Accident Register issued by him has been marked as Ex.P3.

15. The PW7- Thavamani- who was examined as the Investigating Officer, deposed that on 23.02.2015 at about 10:00 AM, while he was serving as the Sub-Inspector of Police at Karaikudi North Police Station, he received information from the Government Hospital, Karaikudi, regarding the incident. Immediately, he went to the hospital and recorded the statement of PW1. Based on the said statement, he registered a case in Crime No. 100 of 2015 for the alleged offences under Sections 294(b), 323, and 506(ii) of IPC. The First



Information Report has been marked as Ex.P4. Thereafter, he examined the witnesses and recorded their statements. He arrested Accused Nos. 2 and 3. However, the first accused had obtained anticipatory bail from the Hon'ble Principal Sessions Court, Sivagangai. Subsequently, he examined the Doctor and obtained the medical certificate. After completing the investigation, he filed the charge sheet on 20.03.2015.

The points for consideration is answered as follows;-

16. The case of the prosecution is that on 22.02.2015 the defacto complainant/PW1 was working as a driver in NNL Bus Company and at about 4.15 PM to 4.30 PM the accused persons came to the office premises and enquired about the whereabouts of the owner Pandi. It is alleged that when PW1 replied to them and requested them to speak respectfully, the accused persons used filthy language against him, attacked him with wooden sticks and caused simple injuries on his head and hand and also issued life threat. In order to prove the said allegations, the prosecution has examined seven witnesses as PW1 to PW7 and marked five documents as Ex.P1 to Ex.P5.

17. The PW1, who is the defacto complainant, has deposed that on 22.02.2015 at about 4.15 PM to 4.30 PM, four persons including the first accused came to the NNL Bus Company office and enquired about his owner in an disrespectful manner. According to him, when he requested them to speak



respectfully and when they asked for the phone number of the owner, he informed them that he did not have the number but could provide the manager's contact number. At that time, the accused persons took wooden sticks and attacked him and caused injuries on the centre of his head and on his right elbow. He has identified the first accused before the court. Though he has stated that he knew the other accused persons, they were not present before the court at the time of his chief examination and thereafter the prosecution has not taken any steps to bring the other accused for the purpose of identification. It is also relevant to note that in this case originally three accused persons were arrayed and during the pendency of the case the second accused died and the case against him stood abated, and even on the date of chief examination of PW1 the second accused was no more.

18. The PW2, who was examined as a hearsay witness, has not supported the prosecution case and he has turned hostile. Hence his evidence does not in any way advance the case of the prosecution.

19. The PW3, who was examined as an eye witness to the occurrence, has deposed that he does not remember the exact date, month and year of the occurrence. Though he has stated that a person by name Rajendran came there and assaulted the PW1, he has clearly stated that he is not able to clearly remember or identify the accused persons. Further, he has admitted that he did



not take PW1 to the hospital. Therefore his evidence does not fully support the prosecution version regarding the involvement of all the accused persons.

20. The PW4, who was examined as a mahazar witness, has stated that the police prepared a mahazar and he signed the same. However during the course of cross examination he has admitted that he does not know the contents of the said mahazar. Though he has stated that the mahazar was prepared at the place of occurrence and he has signed there, his evidence is only limited to the preparation of the mahazar and it does not in any way prove the occurrence or the involvement of the accused persons.

21. The PW5, who is another eye witness to the incident, has deposed that the first accused Rajendran alone assaulted PW1 on his head and thereafter he took PW1 to the hospital. His evidence is not in line with the evidence of PW1. While PW1 has stated that all the accused persons attacked him, PW5 has specifically stated that the first accused alone assaulted PW1. This creates a material contradiction in the prosecution case regarding the participation of the other accused persons.

22. The PW6, the Doctor who treated PW1, has deposed that PW1 came to the Government Hospital, Karaikudi and stated that he had been attacked by known persons and on examination he found injuries on the right forearm and



on the right side of the forehead. He has certified that the injuries are simple in nature and the Accident Register has been marked as Ex.P3. Though the medical evidence proves that PW1 sustained simple injuries, it does not by itself establish that the injuries were caused by the accused persons.

23. The PW7, the Investigating Officer, has spoken about the registration of the case, examination of witnesses and filing of the final report. His evidence is only regarding the investigation conducted by him.

24. In order to prove the offence under Section 294(b) IPC, it must be shown that the accused uttered obscene words in or near a public place and that such act caused annoyance to others. In the present case, none of the witnesses have clearly deposed that they felt annoyed by the alleged filthy language used by the accused persons. Therefore the essential ingredients of the offence under Section 294(b) IPC have not been established.

25. Similarly, for proving the offence under Section 506(ii) IPC there must be clear evidence that the accused issued a real threat which caused alarm to the victim. In the present case, the witnesses have not clearly spoken about the alleged threat itself or about any alarm caused to them. In the absence of such evidence, the charge under Section 506(ii) IPC is not made out.



26. With regard to the offence under Section 323 IPC, though PW1 has stated that all the accused persons assaulted him, the PW5 has deposed that the first accused alone assaulted PW1. The PW3 has also not clearly identified the accused persons. Further, there is no specific and consistent evidence regarding the manner in which each accused person allegedly assaulted the PW1. The contradictions and inconsistencies in the evidence of the prosecution witnesses create a serious doubt regarding the participation of the accused persons in the alleged occurrence. Moreover, the PW1 in his chief examination had deposed that the police came to the hospital and recorded his statement, however, in the cross examination he deposed that he was examined by the police only at police station. The said relevant portion is extracted hereunder for better appreciation;-

“சம்பவம் நடந்ததாக சொன்ன அன்று நானும் NNL பேருந்தின் உரிமையாளர் பாண்டியும் காவல்நிலையம் சென்று புகார் அளித்தோம் என்றால் சரிதான். புகார் அளித்தபோது பாண்டி என்பவரை விசாரணை செய்தார்களா என்றால் செய்தார்கள். சம்பவம் நடந்ததாக சொன்ன அன்று பாண்டி என்னுடன் மருத்துவமனைக்கு வந்தார் என்றால் சரிதான். என்னை போலீசார் காவல்நிலையத்தில் மட்டும் தாம் விசாரணை செய்தார்கள் என்றால் சரிதான். புகாரில் சொல்லிய விவரங்களை யார் எழுதினது என்றால் நான் தான் எழுதினேன்.”



However, according to PW7, he only went to the hospital and obtained a statement from PW1. This creates further doubt regarding the prosecution version. Moreover, the said pandi was not been examined by the prosecution he has not even arryed as the witness. Moreover, on perusal of Ex.P1, it is revealed that it was prepared at the hospital by the police and signed by PW1. Per contra, PW1 has deposed that he himself wrote the complaint at the police station. For better appreciation, the relevant portion in the Ex.P1 is extracted hereunder;-

“நான் பாண்டி எனது முதலாளி வந்தவுடன் அவரிடம் விவரத்தை கூறி விட்டு நேற்று 22.02.2015 மணி சுமார் 07.45 மணியளவில் காரைக்குடி அரசு மருத்துவமனையில் சிகிச்சை பெற்று உள்நோயாளியாக இருந்து வருகின்றேன். தாங்கள் சம்பவம் சம்மந்தமாக என்னை விசாரிக்க நடந்த சம்பவத்தை கூறி புகார் வாக்குமூலம் கொடுக்கின்றேன். எழுதியவை படிக்கக் கேட்டேன் நான் சொன்னபடி சரியாக இருந்தது.”

Likewise, according to PW1, the incident took place at about 04:15 to 04:30 PM however, Ex.P3 reveals that PW1 reached the Government Hospital, Karaikudi only at about 07:45 PM.

27. Hence, the above material contradictions create serious doubt with regard to the genesis of the complaint and the manner in which the prosecution case has been presented before this court. Further, it is also admitted that there



already existed a dispute between PW1's owner, Pandi, and the accused persons. When there is prior enmity between the parties, the prosecution is expected to prove its case with strong, cogent and reliable evidence. However, in the present case, the prosecution has failed to place convincing and trustworthy evidence to prove the guilt of the accused beyond reasonable doubt.

28. Moreover, it is the paramount duty of the prosecution to establish the guilt of the accused beyond all reasonable doubt. Unless the guilt is established beyond all reasonable doubt, the accused can not be held guilty of the alleged offences. On this point held in, (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."

29. Hence, in view of the above discussion, this court hold that the prosecution has failed to establish any charge against the accuseds.

30. 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 3 beyond reasonable doubt. As such the offence alleged under sections 294 (b), 323 and 506 (ii) of 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 persons shall stand cancelled and the sureties stands discharged after lapse of appeal period.

31. In this case, the accused No.2 was died and charges were abated, hence, no findings inrespectof him.

32. In this case, no property has been marked on either side and thus, no property order is passed.



Typed by me in my computer, verified by me to be correct and pronounced in open court on 10th day of March, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Meenakshi Sundaram	Defacto Complainant
2	Mr. Xavier	Hearsay Witness
3	Mr.Saravanan	Eye Witness
4	Mr. Sethurajan	Mahazar Witness
5	Mr. Anandhan @ Anandharaj	Eye Witness
6	Mr.Arivazhagan	Doctor Witness
7	Mr. Thavamuni	Investigating Officer
Defence Side Witness - NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1



2	Observation Mahazar	PW4
3	Accident Register	PW6
4	First Information Report	PW7
5	Rough Sketch	PW7
Exhibits of the Defence - NIL		
Material Objects Submitted by Prosecution – NIL		
Material Objects Submitted by Defence - NIL		

Judicial Magistrate,
Karaikudi

Note:

1. During the period of trial the accuseds were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Judgment Date : 10.03.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.