



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Monday the 17th day of August 2026

Calendar Case No.413 of 2022

Old C.C.No.67 of 2016

Crime No.215 of 2015

(On the file of Kallal Police station)

CNR No.TNSV19 – 001 – 599 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.413 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Inspector of Police, Kallal Police Station, Sivagangai District. Crime No. 215 of 2015. Complainant
3.	Name	1. Nithiya,
	Father's name	W/o. Karthik,
	Occupation	Indra Nagar, Kallal,
	Residence	Karaikudi Taluk,
	Age	Sivagangai District. 2. Karthik, S/o. Karuppaiah, Indra Nagar, Kallal,



		Karaikudi Taluk, Sivagangai District.Accuseds		
4.	Date of Occurrence	15.08.2015		
5.	Date of Final Report	15.08.2015		
6.	Date of Apprehension	15.08.2015		
7.	Date of Release on bail	15.08.2015		
8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	26.11.2018	26.11.2018
		PW-2	26.11.2018	26.11.2018
		PW-3	26.11.2018	26.11.2018
		PW-4	22.11.2021	22.11.2021
		PW-5	20.12.2021	20.12.2021
		PW-6	20.12.2021	20.12.2021
		PW-7	11.12.2023	11.12.2023
		PW-8	20.12.2023	20.12.2023
		PW-9	03.06.2026	03.06.2026
9.	Closure of Trial	03.06.2026		
10.	Accused are questioned u/s.313(1)(b) of Crpc date	22.07.2026		
11.	Sentence or Order.	The 1st accused is found guilty and convicted under Section 248(2) Cr.P.C. for the offence under Section 323 IPC and is sentenced to undergo three months		



		simple imprisonment and to pay a fine of Rs.1,000/-. In default of payment of fine, she shall undergo one week simple imprisonment. ii) The 1st accused is acquitted under Section 248(1) Cr.P.C. of the offences under Section 294(b) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. iii) The 2nd accused is acquitted under Section 248(1) Cr.P.C. of the offences under Sections 294(b) and 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.
12.	Service of copy of judgment or finding on accused persons	Yes. Free copy of the judgment was furnished to the accused 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 accused and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	10.08.2026
15.	Date of Judgment Pronounce	17.08.2026
16.	Date of Judgment upload	17.08.2026



This case being taken on file in the year 2016 and previously numbered as CC.No.67/2016 and this court converted on 2022 as Judicial Magistrate Court, Karaikudi, new number has been assigned as CC.No. 413/2022 and the state being represented by Mr. Selvaraj, Learned Assistant Public Prosecutor-Grade I and Mr.P.Sethuraman, Learned Counsel for Accused persons and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;-

JUDGMENT

1. The present case has been charge sheeted by the Inspector of Police, Kallal Police Station, in crime No. 215 of 2015 against the above accused persons under sections 294 (b) and 323 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

2. The case of the prosecution, in brief, is as follows:-

The case of the prosecution is that the defacto complainant is a resident of Kallal Indira Nagar. On 15.08.2015 at about 08.45 AM while the defacto complainant was standing in front of her house, Mathankumar, the son of the sister of the 1st accused, was riding a bicycle in front of her house and causing obstruction to the ingress and egress of the house. When the defacto complainant requested him not to ride the bicycle in that manner, stating that it was causing obstruction, the 1st accused abused her in filthy language and assaulted her on her forehead with a broomstick which she was already



holding, thereby causing a simple injury. It is further alleged that the 2nd accused abused the defacto complainant in filthy language, caught hold of her neck, assaulted her on her back and pulled her down.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 15.08.2015 before the complainant police and based on which the FIR was registered on 15.08.2015. On charge sheet being file, the case was taken on file against the accused person 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 294 (b) and 323 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, 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 PW9 and Exhibits P1 to P5 is also marked. After closure of prosecution side evidence, this court questioned the accuseds 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 under sections 294 (b) and 323 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002. 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 offence under sections 294 (b) and 323 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002?

The Testimonies of the Prosecution side Witnesses in brief is as follows;-

9. The PW1- Lavanya- The defacto complainant has deposed that she knew the accused persons. She stated that on 15.08.2015 at about 08.45 AM while she was standing in front of her house, the 1st accused's sister's son came there riding a bicycle and hit her with the bicycle. When she asked him to move the bicycle aside, the 1st accused came there and abused her in filthy language and asked her whether the road belonged to her father. She further deposed that the 1st accused assaulted her on her forehead with the wooden portion of a broomstick which she was holding. Due to the assault, she sustained an injury on her forehead. She further deposed that the 2nd accused also abused her in filthy language, caught hold of her neck, pulled her hair, pushed her down and kicked her. Thereafter, Valarmathi and Gandhimathi came to the spot and prevented the accused from further attacking her. Subsequently, she went to the hospital and took treatment. Thereafter, she lodged the complaint before the police, which was marked as Ex.P1.



10. The PW2- Valarmathi- who was examined as the eyewitness has deposed that she knew PW1 and the accused persons. On 15.08.2015 at about 08.45 AM, while she was outside her house and brushing her teeth, the 1st accused's sister's son came there riding a bicycle. At that time, PW1 questioned him and asked him to move the bicycle, stating that it might cause an accident. At that time, the 1st accused came there, used abusive language against PW1 and attacked her with a broomstick by turning it and hitting her on the forehead with its wooden side. Thereafter, the 2nd accused came there, caught hold of PW1's neck, pulled her hair and pulled her down. At that time, the eyewitness and Gandhimathi intervened and prevented the accused from further attacking PW1. Thereafter, PW1 went to the police station with a bleeding injury and lodged a complaint. The police came and examined her.

11. The PW3- Lakshmi- who was examined as eye witness in this case, has deposed that PW1 is her mother and that she knew the accused persons. She stated that about 3½ years ago, on Independence Day, at about 09.30 AM, the PW1 had parked her vehicle in front of her house. At that time, the 1st accused's sister's son came there and hit the vehicle with his bicycle. Thereafter, when the PW1 asked him to move the bicycle ahead, the 1st accused used filthy language against the PW1 and attacked her with a broomstick. Due to the assault, the PW1 sustained an injury on her forehead.



Thereafter, the witness took the PW1 to the police station, where she lodged a complaint, and subsequently admitted her in the hospital.

12. The PW4- Radha- who was examined as eye witness in this case, has deposed that PW1 is his daughter and that he knew the accused persons. He stated that about five years ago, on one day, PW1 was at home. At that time, due to previous enmity, the 2nd accused came there and attacked PW1 with a wooden stick on her back. On hearing her cries, his wife took PW1 to the hospital and admitted her for treatment.

13. The PW5- Gandhimathi- who was examined as who was examined as eye witness to the case has turned hostile and has not supported the Prosecution case.

14. The PW6- Bose- who was examined as observation mahazar has also turned hostile and did not supported the case and he has also denied the signature found in the observation mahazr.

15. The PW7- Manikandan- who was examined as observation mahazar has also turned hostile and did not supported the case and he has also denied the signature found in the observation mahazr.



16. The PW8- Dr. Arivazhagan- The doctor who treated the PW1 has deposed that on 15.08.2015 while he was on duty at the Government Hospital, Karaikudi, at about 11.15 AM, the PW1 came for treatment stating that she had been assaulted by two known persons with a wooden stick. On examining her, he found a 1 x 0.5 cm injury on her forehead. He treated her as an outpatient and issued a wound certificate, stating that the injury was simple in nature.

17. The PW9- Gunasekaran- The Investigation Officer has deposed that on 15.03.2015 at about 10.15 AM based on the complaint lodged by PW1 he registered the FIR in Crime No.215 of 2015 for the offences under Section 294(b) and 323 of the IPC and Section 4 of the Tamil Nadu Prohibition of Women Harassment Act. The FIR was marked as Ex.P3. Thereafter, he examined the witnesses and prepared the Observation Mahazar and Rough Sketch, which were marked as Ex.P4 and Ex.P5 respectively. Thereafter, he arrested the accused persons on 15.08.2015 at about 01.30 PM. Since he was transferred, he handed over the case file to one Jayaseelan. However, the said Jayaseelan subsequently died. Therefore, the Investigation Officer deposed regarding the further investigation conducted by said Jeyaseelan. Thereafter, he examined the doctor and, after completing the investigation, filed the final report on 14.09.2015.



The point for consideration is answered as follows;-

18. The case of the prosecution is that the defacto complainant is a resident of Kallal Indira Nagar. On 15.08.2015 at about 08.45 AM, while she was standing in front of her house, Mathankumar, the son of the sister of the 1st accused, was riding a bicycle in front of her house and causing obstruction to the ingress and egress of the house. When the defacto complainant requested him not to ride the bicycle in that manner, the 1st accused abused her in filthy language and assaulted her on her forehead with the wooden backside of a broomstick which she was holding, thereby causing a simple injury. It is further alleged that the 2nd accused abused the defacto complainant in filthy language, caught hold of her neck, pulled her hair, assaulted her on her back and pushed her down.

19. To prove the above case, the prosecution has examined PW1 to PW9 and marked Ex.P1 to Ex.P5.

20. The PW1 is the defacto complainant, the PW2, PW3 and PW4 are the witnesses to the occurrence, the PW5 is another eyewitness, the PW6 and PW7 are mahazar witnesses, the PW8 is the doctor and the PW9 is the Investigating Officer.



21. The PW1, the defacto complainant, has clearly stated that on 15.08.2015 while she was standing in front of her house, the 1st accused abused her in filthy language and hit her on the forehead with the wooden backside of a broomstick. She has also stated that the 2nd accused assaulted her. The PW2 has supported the evidence of PW1 regarding the assault by the 1st accused. The PW3 has also supported the evidence of PW1 regarding the assault by the 1st accused. Nothing important has been brought out in the cross examination of PW1 and PW2 to disbelieve their evidence regarding the 1st accused.

22. The PW4 was examined as an eyewitness. However, in cross examination, he admitted that he was at a shop at the time of the occurrence and that he came to know about the incident from others. Therefore, his evidence is only hearsay evidence. PW5 has turned hostile. The PW6 and the PW7 have also not supported the prosecution case. However, merely because some witnesses have turned hostile, the reliable evidence of the PW1 and the PW2 cannot be rejected.

23. Moreover, the PW8, the doctor, has stated that he examined PW1 and found an injury measuring 1 x 0.5 cm on her forehead and that the injury was simple in nature. Therefore, the medical evidence supports the evidence of PW1 regarding the injury.



24. The learned defence counsel has argued that there is a difference in the evidence regarding the broomstick and that the broomstick was not recovered. This argument cannot be accepted. PW1 has clearly stated that the 1st accused hit her with the wooden backside of the broomstick and PW2 and PW3 have supported the assault. The fact that the broomstick was not recovered is not sufficient to reject the prosecution case when the oral evidence and medical evidence are reliable. Therefore, the assault by the 1st accused and the injury caused to PW1 have been proved beyond reasonable doubt.

25. However, the evidence against the 2nd accused is not clear. The PW1 has stated that the 2nd accused caught hold of her neck, pulled her hair, pushed her down and kicked her. The PW2 has stated that the 2nd accused caught hold of her neck, pulled her hair and pulled her down. But PW4 has stated that the 2nd accused assaulted PW1 with a wooden stick on her back. PW4 has also admitted that he did not see the occurrence and came to know about it from others. Further, the medical evidence does not show any injury on the back of PW1. Therefore, there is not enough reliable evidence to prove the offence against the 2nd accused. Moreover, the PW3, who is also cited as an eyewitness, has not deposed anything about the 2nd accused attacking the PW1. Her evidence is only regarding the assault committed by the 1st accused. Thus, the evidence regarding the alleged assault by the 2nd accused is not consistent and is not supported by independent or medical evidence. Hence,



this court is not satisfied that the prosecution has proved the offence under Section 323 IPC against the 2nd accused beyond reasonable doubt.

26. Regarding Section 294(b) IPC, though the PW1 and the PW2 have deposed that the accused are abused the PW1 with obscene words but there is also no sufficient evidence to show that the alleged words were spoken in or near a public place and caused annoyance to others. Therefore, the offence under Section 294(b) IPC has not been proved.

27. Regarding section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, the prosecution mainly relies upon the evidence of PW1 and PW2. However, the evidence regarding the acts alleged against the accused, particularly the 2nd accused, is not clear and consistent. The prosecution has not produced sufficient evidence to prove all the requirements of the said offence beyond reasonable doubt. Therefore, the accused are entitled to the benefit of doubt in respect of this offence also.

28. Therefore, this court finds that the prosecution has proved the offence under Section 323 IPC against the 1st accused beyond reasonable doubt. The other offences against the 1st accused and all the offences against the 2nd accused have not been proved beyond reasonable doubt.



29. After finding the 1st accused guilty, she was questioned regarding the sentence. She requested the court to show leniency. Hence, considering the nature of the offence, the manner of assault and the injury caused to PW1, this court is not inclined to give the benefit of the Probation of Offenders Act to the 1st accused.

30. Hence, the result is as follows:-

i) The 1st accused is found guilty and convicted under Section 248(2) Cr.P.C. for the offence under Section 323 IPC and is sentenced to undergo three months simple imprisonment and to pay a fine of Rs.1,000/-. In default of payment of fine, she shall undergo one week simple imprisonment.

ii) The 1st accused is acquitted under Section 248(1) Cr.P.C. of the offences under Section 294(b) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.

iii) The 2nd accused is acquitted under Section 248(1) Cr.P.C. of the offences under Sections 294(b) and 323 IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002.



31. The 1st accused is informed that she has a right to prefer an appeal against the conviction and sentence before the Hon'ble Sessions Court, Sivagangai, within the period prescribed by law.

32. Accused have not undergone any period of incarceration inconnection with this case. Hence no set-off orders is passed.

33. 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 17th day of August, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mrs. Lavanya	Defacto Complainant
2	Mrs. Valarmathi	Eye witness
3	Mrs. Lakshmi	Eye witness
4	Mrs. Radha	Eye witness
5	Mrs. Gandhimathi	Eye witness
6	Mr. Boss	Mahazar witness
7	Mr. Manikandan	Mahazar witness
8	Dr. Arivazhagan	Doctor witness



9	Mr. Gunasekaran	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Wound Certificate	PW8
3	First Information Report	PW9
4	Rough Sketch	PW9
5	Observation Mahazar	PW9
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 accused were enlarged on bail.
2. No witnesses were held more than three days without examination.
3. Judgment Date : 17.08.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.