



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Tuesday the 21<sup>th</sup> day of April 2026

Calendar Case No.466 of 2022

Old C.C.No.208 of 2016

Crime No.230 of 2016

(On the file of Karaikudi North Police station)

CNR No.TNSV19 – 001 – 705 - 2022

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

1.	Serial Number	Calendar Case (C.C). No.466 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through Inspector of Police, Karaikudi North Police Station, Sivagangai District. Crime No. 230 of 2016. .... Complainant
3.	Name	1. Karthik Subramani,
	Father's name	S/o. Annamalai,
	Occupation	No.5 II, illam, M.V. Street,
	Residence	Karaikudi, Sivagangai District,
	Age	2. Aims Vijay @ Vijayakanth, S/o. Ravi, EB opposite, Kalanivasal, Karaikudi, Sivagangai District.



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|  | <p>3. Thiruppathi,<br/>S/o. Selvaraj,<br/>Pudhukudi iruppu, Illuppakudi,<br/>Karaikudi Taluk, Sivagangai District.</p> <p>4. Dilip Kumar<br/>S/o. Selvaraj,<br/>No. 4/ 2, Ayyanarpuram,<br/>Karaikudi, Sivagangai District.</p> <p>5. Sathish Kumar,<br/>S/o. Meganathan,<br/>AVPL street, Senjai,<br/>Karaikudi, Sivagangai District.</p> <p>6. Panchu Arunachalam,<br/>S/o. Ramasamy,<br/>Alappapuram,<br/>Soodamanipuram, Karaikudi, Sivagangai District.</p> <p>7. Nambirajan, (Died and charges abated)<br/>S/o. Ramachandran,<br/>Anna Nagar, Karaikudi, Sivagangai District.</p> <p>8. Muthupandi,<br/>S/o. Ganesan,</p> |
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		No.16, Pallivsal Street, Meenakshipuram, Karaikudi, Sivagangai District. .... Accuseds		
4.	Date of Occurrence	14.04.2016		
5.	Date of Final Report	16.04.2016		
6.	Date of Apprehension	14.04.2016		
7.	Date of Release on bail	18.04.2016		
8.		Witnesses	Chief Examination	Cross Examination
		PW-1	11.11.2025	11.11.2025
		PW-2	11.11.2025	11.11.2025
		PW-3	01.12.2025	01.12.2025
		PW-4	07.01.2026	12.03.2026
		PW-5	27.01.2026	27.01.2026
		PW-6	25.02.2026	25.02.2026
		PW-7	02.04.2026	02.04.2026
9.	Closure of Trial	02.04.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	07.04.2026		



11	Sentence or Order.	The offence alleged under sections 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980, 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 accuseds shall stand cancelled and the sureties stands discharged after lapse of appeal period.
12.	Service of copy of judgment or finding on accused	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	17.04.2026
15.	Date of Judgment Pronounce	21.04.2026

This case being taken on file in the year 2016 and previously numbered as CC.No.208/2016 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No. 466/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.G.Sornam the learned Counsel for the 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 North Police Station, in Crime No. 230 of 2016 against the above said accused persons under sections 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980.

**2. The prosecution case in brief as follows;-**

The defacto complainant is a resident of Thiruppathur and is working as a Police Constable. On 14.04.2016 at about 2.00 p.m., while the defacto complainant was on road traffic duty in front of Pandian Theatre, Chekkalai Road, Karaikudi, the accused used filthy language against him, prevented him from discharging his official duties, and issued life threats with dire consequences.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 14.04.2016 before the complainant police and based on which the FIR was registered on 14.04.2016. On charge sheet being file, the case was taken on file against the accused persons and summons were issued. At this statge the 7th accused was died and charges against him was abated. Hence, on appearance of the other 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 were denied the same, as prima facie case existed, this court framed charge against the accused persons under sections 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980, and asked whether they plead guilty or has any defence to make. The accused were 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 P4 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 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980. 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 No. 1 to 6 and 8 for the offences under sections 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980?

**The Testimonies of the prosecution witnesses in brief is as follows;-**

9. The PW1- Looie Raja- The defacto complainant has deposed that he knew the accused persons. In the year 2016, when he was working as an emergency van driver, on 14.04.2016 at about 02.00 p.m., he, along with Sub-Inspector Raja and First Grade Constable Rajesh, was engaged in traffic clearance duty in front of Pandian Theatre on Chekkalai Road. At that time, some persons came there and used filthy language against him. When he questioned them, the accused took a wooden stick and attempted to attack him,



and also issued a life threat. At that time, the Sub-Inspector of Police, Raja, and the other constable, Rajesh, intervened and asked them to leave the place. Thereafter, he lodged a complaint, which has been marked as Ex.P1.

10. The PW2- Raja- who was examined as an eyewitness to the incident, deposed that he knew PW1 and the accused persons. In the year 2016, he was serving as a Sub-Inspector of Police at the Karaikudi Crime Police Station. On 14.04.2016 at about 02.00 p.m., he, along with PW1 and one Constable Rajesh, was engaged in traffic control duty near Pandian Theatre, Chekkalai Road, Karaikudi. At that time, PW1 asked the public to cross the road on the side. For this, the accused used filthy language, and when he questioned the same, the accused took a wooden stick and issued a life threat to PW1. Thereafter, he intervened and asked them to leave the place. Subsequently, PW1 lodged a complaint.

11. The PW3- Ramesh- who was examined as as a mahazar witness deposed that on 14.04.2016, at about 06.00–06.30 p.m., when he went to Pandian Theatre to watch the movie Theri, the police prepared the rough sketch, and he signed as a witness therein. The observation mahazar was marked as Ex.P2.



12. The PW4- Selvam- The officer who registered the FIR has deposed that on 14.04.2016, while he was on station duty, PW1 came and lodged a complaint. Based on the said complaint, he registered a case in Crime No. 230 of 2016 for the alleged offences under Sections 147, 294(b), 353, and 506(ii) IPC. The FIR has been marked as Ex.P3. Thereafter, he handed over the case file to the Inspector of Police, namely Pitchaipandian.

13. The PW5- Pitchai Pandian- The Investigation Officer deposed that on 14.04.2016 at about 14.30 hours, PW5 had registered a case in Crime No. 230 of 2016 for the alleged offences under Sections 147, 294(b), 353, and 506(2) IPC. The same was handed over to him on 14.04.2016 at about 15.30 hours. He then visited the place of occurrence and prepared the Observation Mahazar and Rough Sketch in the presence of witnesses, and the Rough Sketch was marked as Ex.P4. Thereafter, he examined PW1 to PW7 and recorded their statements. He arrested the accused persons on 14.04.2016 at about 17.15 hours and sent them for judicial remand. After completing the entire investigation, he filed the charge sheet against the accused persons on 16.04.2016 for the aforesaid offences.

14. The PW6- Kannan- who was examined as an eyewitness to the incident, deposed that he does not remember the exact date. He stated that on one occasion, he went to Pandian Theatre to watch a movie, and after watching



the same, he returned home. He further stated that he does not know anything else about the incident and that he was not examined by the police..

15. The PW7- Rajesh- who was examined as an eyewitness to the occurrence, deposed that on 14.11.2016 at about 02.00 p.m., he, PW1, and PW2 were on duty for traffic control near Pandian Theatre, Karaikudi. At that time, in the presence of PW1, the accused used filthy language against PW1. When PW1 questioned the same, the accused took a wooden stick and attempted to attack PW1, and also issued a life threat to him. Thereafter, he and PW2 intervened, and subsequently, PW1 lodged a complaint.

**The points for consideration is answered as follows;-**

16. The prosecution case is that when PW1 was on official duty, the accused used abusive language and, by showing wooden logs, issued a life threat. In this regard, the prosecution has examined seven witnesses and marked four documents. PW1, who is the victim, has deposed that when he was engaged in traffic clearance duty near Pandian Theatre, Karaikudi, and when he asked the accused persons to move to the side of the road, the accused used filthy language and issued a life threat on 14.04.2016 at about 2.00 p.m. PW2 has also deposed on similar lines and supported the version of PW1.



17. In this case, there are totally eight accused persons. When several accused persons are involved, the prosecution must establish specific overt acts against each accused. However, in the present case, PW1 and PW2 have made only general and omnibus allegations that all the accused used filthy language, took wooden logs, and issued threats. There is no clear or specific evidence as to which accused did what particular act. Such vague and collective statements are not sufficient to fix individual criminal liability, especially in a case involving multiple accused persons.

18. The defence has taken a specific stand that on the relevant date, the movie Theri was released, and the accused had erected a flex board after obtaining permission, which was removed by the police, and when questioned, a false case has been foisted. This suggestion has been put to PW1 and PW2 during cross-examination, and the same has not been effectively denied or disproved by the prosecution through independent evidence.

19. The PW3, the mahazar witness, has admitted in his evidence that he signed the observation mahazar only at the police station and not at the place of occurrence. This creates doubt about the genuineness of the preparation of the observation mahazar and weakens the prosecution case regarding the investigation process.



20. The PW4, the officer who registered the FIR, has admitted in his cross examination that he registered the case at the instigation of the Inspector without strictly following due procedure. The relevant portion of his testimony is extracted hereunder for better appreciation;-

“காவல் துறையில் பணிபுரியும் நபர் கொடுத்த புகார் என்பதால் எந்த விதமான முன் விசாரணையும் செய்யாமல் வழக்கு பதிவு செய்துள்ளேன் என்றால் நான் ஆய்வாளரிடம் கேட்டேன் நீ முதல் தகவல் அறிக்கை பதிவு செய் மற்றதை நான் பார்த்துக்கொள்கிறேன் என்று சொன்னதால் முதல் தகவல் அறிக்கை பதிவு செய்தேன்.”

This admission casts a serious doubt on the manner in which the FIR came to be registered and affects the credibility of the prosecution case from its very inception.

21. The PW5, the Investigating Officer, has spoken about the investigation steps. However, his evidence is only formal in nature and does not cure the material contradictions and deficiencies found in the evidence of the occurrence witnesses. PW6, who is cited as an independent eyewitness, has not supported the prosecution case at all and has clearly stated that he does not know anything about the occurrence. This makes the prosecution version doubtful, as an independent witness has not corroborated the case.



22. The PW7, another eyewitness, has deposed in line with PW1 and PW2. However, even his evidence suffers from the same defect of general allegations without attributing any specific overt act to each of the accused persons. Thus, his evidence also does not improve the case of the prosecution.

23. For the offence under Section 294(b) IPC, the prosecution must prove that the accused used obscene words in a public place and that it caused annoyance to others. In the present case, none of the witnesses have clearly stated about the specific words used or that any annoyance was caused to the public. Hence, the ingredients of the said offence are not established.

24. For the offence under Section 506(ii) IPC, there must be a real and serious threat causing alarm to the victim. In this case, there is no clear evidence to show that the alleged threat created any real alarm in the mind of PW1. The evidence is only general in nature and does not satisfy the legal requirement.

25. For the offence under Section 353 IPC, there must be use of assault or criminal force to deter a public servant from discharging his duty. In the present case, there is no clear and convincing evidence of actual assault or use of criminal force.



26. For the offence under Section 147 IPC, the prosecution must prove the formation of an unlawful assembly with a common object and the use of force or violence. In this case, the prosecution has failed to establish the common object and specific participation of each accused in the alleged unlawful assembly.

27. 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."*

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

29. 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 to 6 and 8 beyond reasonable doubt. As such the offence alleged under sections 147, 294 (b), 353 and 506 (II) of Indian Penal Code, 1980, 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 accuseds shall stand cancelled and the sureties stands discharged after lapse of appeal period.

30. Insofar as the 7th accused is concerned, it is seen from the records that he died during the pendency of the trial. Hence, the charge against the 7th accused stands abated, and no finding is recorded against him

31. 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 21<sup>st</sup> day of April, 2026.

Judicial Magistrate,  
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr.Looie Raja	Defacto Complainant
2	Mr.Raja	Eye witness
3	Mr.Ramesh	Mahazar witness
4	Mr.Selvam	Formal witness
5	Mr.Pitchai Pandian	Investigation Officer
6	Kannan	Eye witness
7	Rajesh	Eye witness
Defence Side Witness - NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation Mahazar	PW3



3	First Information Report	PW4
4	Rough Sketch	PW5
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 : 21.04.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.