



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Monday the 30<sup>th</sup> day of March 2026

Calendar Case No.589 of 2022

Old C.C.No.6 of 2015

Crime No.273 of 2014

(On the file of Karaikudi North Police station)

CNR No.TNSV19 – 001 – 951 - 2022

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

1.	Serial Number	<b>Calendar Case (C.C). No.589 of 2022</b>
2.	Name of the Police Station and Crime Number	State Reperesented through Sub Inspector of Police, Karaikudi North Police Station, Sivagangai District. Crime No. 273 of 2014. .... Complainant
3.	Name	1. Nagamuthu, (Split up and case disposed off)
	Father's name	S/o. Somasundaram,
	Occupation	No.76-B TNHB, Kalanivasal, Karaikudi, Sivagangai District.
	Residence	2. Nagarethinam, (Split up and case disposed off)
	Age	S/o. Somasundaram, Gandhipuram 3 <sup>rd</sup> Street, Karaikudi, Sivagangai District.



3. Nalarajan, (Split up and case disposed off)

S/o. A.Sethu,

No.68-B, TNHB, Kalanivasal,

Karaikudi, Sivagangai District.

4. Manikandan, (Split up and case disposed off)

S/o. Nagarajan,

Arumuga Nagar 2<sup>nd</sup> Street,

Karaikudi, Sivagangai District.

5. Sathish, (Split up and case disposed off)

S/o. Nagendhranan,

Thanthai Periyar 3<sup>rd</sup> Street,

Burma Colony,

Karaikudi, Sivagangai District.

6. A.R.Muthurakku,(Split up and case disposed off)

S/o. Arunachalam,

93, Nallaiyan Aashari Street,

Karaikudi, Sivagangai District.

7. Lakshmanan,

S/o. Natarajan,

Managiri Village, Tiruppathur

Sivagangai District.



		<p>8. Murugaiah, (Split up and case disposed off) S/o. Kalimuthu, Watertank, Valluvar Salai, Karaikudi, Sivagangai District.</p> <p>9. Vijay, (Split up and case disposed off) S/o. Nagendhran, Bharathi Nagar, Senjai, Karaikudi, Sivagangai District.</p> <p>10. Velu, S/o. Ramachandhran, Mudukulathur, Ramanathapuram District.</p> <p>11. Movendhar, (Died and charges abated) S/o. Rajendhran, KalaiyappaNagar, Karaikudi, Sivagangai District. .... Accuseds</p>
4.	Date of Occurrence	28.04.2014
5.	Date of Final Report	30.05.2015
6.	Date of Apprehension	--
7.	Date of Release on bail	—



8.		Witnesses	Chief Examination	Cross Examination
		PW-1	12.03.2026	12.03.2026
		PW-2	24.03.2026	24.03.2026
		PW-3	25.03.2026	25.03.2026
9.	Closure of Trial	25.03.2026		
10.	Accused are questioned u/s.313(1)(b) of Crpc date	27.03.2026		
11	Sentence or Order.	The offence alleged under sections 147, 447, 427, 294(b), 323, 506(1) of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, was not proved and found not guilty, the accuseds are set acquitted U/s 248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stand cancelled and the sureties stands discharged after lapse of appeal period.		
12.	Service of copy of judgment or finding on accuseds	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	27.03.2026
15.	Date of Judgment Pronounce	30.03.2026

This case being taken on file in the year 2015 and previously numbered as CC.No. 6/2015 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No.589/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.P.Sathishkumar, counsel for 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. 273 of 2014 against the above accused under sections 147, 447, 427, 294(b), 323, 506(1) of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002.

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

The defacto complainant is a resident of Aruna Nagar, Karaikudi. There is an existing land dispute between the defacto complainant and the first accused, and a civil suit in this regard is currently pending before the competent court. While so, on 27.04.2014, the defacto complainant and her



husband, after completing their work, returned to their house. On the next day, i.e., 28.04.2014, at about 4:30 a.m., when they reached their hotel, they heard a noise and noticed that the shop had been damaged. At that time, the accused had broken open the lock and caused damage to the property. When the defacto complainant and her husband questioned the accused regarding the same, the accused are 1 to 11 beaten the defacto complainant's husband namely sankar on his chest, hand and head and pulled down him and caused simple injury. The 1st accused has pulled the defcato complainant's hair and beaten her with back and used the abusive languages against them.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 29.04.2014 before the complainant police and based on which the FIR was registered on 30.04.2014. On charge sheet being file, the case was taken on file against the accused persons and summons were issued. At this being so, the accused No. 1 to 6 and 8 and 9 the case has been split up and they have set acquitted on 18.12.2017. Thereafter, the present case has been split up against the accused No. 7, 10 and 11. Meanwhile, the accused No. 11 was died and charges against him was abated. Hence, on appearance of the accused persons No. 7 and 10 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 147, 447, 427, 294(b), 323,



506(1) 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 PW3 and Exhibits P1 to P6 also 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 147, 447, 427, 294(b), 323, 506(1) 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 No.7 and 10 for the offences under sections 147, 447, 427, 294(b), 323, 506(1) of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 ?

**The point is answered as follows;-**

9. In this case the PW1- the defacto complainant and person who set the law in motion had turned hostile during her deposition. She stated that she had entered into a compromise with the accused persons and he further deposed that the accused are did not used any abusive language against her and they had not issued any life thereate to him and has not caused any injuries to her and the accused are not caused any damages to her shop. She had further deposed that there is no nexus between the accuseds and the present case. Hence, the PW1 and did not supported the prosecution and deposed disowned with her



earlier statement under section 161 of CrPC. Likewise, the PW2 who is another injured witness and the husband of PW1 also turned hostile and did not supported the prosecution case and deposed in line with the PW1.

10. The testimony of the PW3, the Investigating Officer, has deposed about the receipt of complaint, registration of FIR, and steps taken during the course of investigation. However, his evidence is entirely formal in nature and pertains only to the procedural aspects of the case. It is well settled that the testimony of the Investigating Officer, in the absence of substantive eyewitness testimony or corroboration from the victim/complainant, cannot form the sole basis for conviction. In the present case, the IO has not witnessed the occurrence and his deposition does not independently establish the ingredients of Penal Sections.

11. In criminal jurisprudence, the burden of proving the case beyond all reasonable doubt lies upon the prosecution. The principle that accused is presumed innocent until proven guilty is fundamental. In the absence of credible, trustworthy, and cogent evidence, no accused can be convicted.

12. Moreover, in this case petition under section 320(2) of CrPC has been filed seeking to compound the offence as amicable between themselves,



since they entered into a compromise and the same has been dismissed by this court.

13. In the present case the star witness PW1 and PW2 are turned hostile and has not supported the prosecution. No other eyewitness had been examined and there is no other evidence to corroborate the version of the prosecution. Moreover, other corroborative witnesses have not been examined by the prosecution and the injured witness also died even before his testimony. The IO's evidence (PW3) is not sufficient in the absence of substantive evidence.

14. The point to be decided by this court is that, is it a ritual to acquit the accused when the complainant and the victim turn hostile. It is a settled proposition of law that the hostility of a witness cannot demolish the prosecution case where it has already been built on some other evidence and surrounding circumstances. Arriving at the case for consideration the victims namely PW1 and PW2 are fully turned hostile. Whether the evidence of hostile witnesses is to be totally discarded, the answer being no, this court proceeds with the view laid down in the case State Vs Harischandra Tukaran, wherein it is specified that when the testimony of such a witness is acceptable to the extent to which it is corroborated by the evidence of reliable witnesses, but in this case there is not even a bit of scintillating factor deposited against the accused. It is well settled that when material witnesses, particularly the defacto complainant



and eyewitnesses, turn hostile and do not support the prosecution case, and no other corroborative or independent evidence is available, the accused is entitled to acquittal. The Hon'ble Supreme Court has time and again held that conviction cannot be based on the sole testimony of the Investigating Officer in the absence of substantive evidence. The evidence of PW3, the Investigating Officer, without any substantive support, is insufficient to prove the charges. 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."*

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

16. 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. 7 and 10 beyond reasonable doubt. As such the offence alleged under sections 147, 447, 427, 294(b), 323, 506(1) of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, was not proved and found not guilty, the accuseds are set acquitted U/s 248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stand cancelled and the sureties stands discharged after lapse of appeal period.

17. 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 30<sup>th</sup> day of March, 2026.

Judicial Magistrate,  
Karaikudi.



Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mrs.Jeya	Defacto Complainant
2	Mr.Sankar	Eye witness
3	Mr.Ravisankar	Investigation Officer
Defence Side Witness - NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Signature of the PW1 in Compromise Petition	PW1
2	Signature of the PW1 in Complaint	PW1
3	Complaint	PW3
4	First Information Report	PW3
5	Rough Sketch	PW3
6	Observation Mahazar	PW3
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 : 30.03.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.