



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Monday the 27th day of July 2026

Calendar Case No.708 of 2022

Old C.C.No.213 of 2017

Crime No.73 of 2016

(On the file of Chettinadu Police station)

CNR No.TNSV19 – 002 – 189 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.708 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Inspector of Police, Chettinadu Police Station, Sivagangai District. Crime No. 73 of 2016. Complainant
3.	Name	1. Pandian,
	Father's name	S/o. Veerappan,
	Occupation	Keela kudiuruppu,
	Residence	Kothamanagalm,
	Age	Karaikudi Taluk, Sivagangai District.
		2. Andiyappan (Died and Charges abated)
		S/o. Vellaichamy,
		School Street, Kothamangalam,
		Sivagangai District. Accuseds



4.	Date of Occurrence	14.12.2016		
5.	Date of Final Report	29.12.2016		
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	12.03.2024	12.03.2024
		PW-2	12.03.2024	12.03.2024
		PW-3	12.03.2024	12.03.2024
		PW-4	13.05.2024	13.05.2024
		PW-5	20.05.2025	20.05.2025
		PW-6	20.05.2025	20.05.2025
		PW-7	20.05.2025	20.05.2025
		PW-8	05.08.2025	05.08.2025
		PW-9	13.07.2026	13.07.2026
9.	Closure of Trial	13.07.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	20.07.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused No. 1 under sections 387 and 506 (ii) of Indian Penal Code, 1860, has not been proved and the accused is found not guilty. Hence, Accused is acquitted under Section 248(1) of Cr.P.C. The bail bonds, if any,		



		executed by the accused shall stand cancelled and the sureties, if any, shall stand discharged after the expiry of the appeal period.
12.	Service of copy of judgment or finding on accused person	The Judgment was uploaded in e-court portal
13.	Explanation of delay	The delay was occasioned due to the delay in serving of summons on the accused is and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	23.07.2026
15.	Date of Judgment Pronounce	27.07.2026
16.	Date of Judgment upload	27.07.2026

This case being taken on file in the year 2017 and previously numbered as CC.No. 213/2017 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No.708/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.C.Arumugam, counsel for Accused person 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, Chettinadu Police Station, in Crime No. 73 of 2016 against the above accused persons under sections 387 and 506 (ii) of Indian Penal Code, 1860.

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

On 14.12.2016, at about 7.45 p.m, at Kanadukathan, in front of Gopal Petty Shop, the 1st accused was standing with an aruval and the 2nd accused was holding a knife. They used filthy language in a public place and threatened the public. They also demanded money from the defacto complainant for consuming alcohol. When the defacto complainant stated that he had no money, they threatened him with dire consequences by showing the knife and the aruval. Thereafter, the 2nd accused removed a sum of Rs.300/- from the shirt pocket of the defacto complainant.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 14.12.2016 before the complainant police and based on which the FIR was registered on 14.12.2016. 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 person 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 387 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. At this being so, on 23.01.2021 the 2nd accused was died and the charges against him was abated by this court, on production of his death certificate. Thereafter, the case has been proceeded only against the 1st accused.

4. The evidence on the side of prosecution consists of testimonies of PW1 and PW9 and Exhibits P1 to P14 and P.M.O.No. 1 to 3 were 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 him in the prosecution evidence. The 1st accused had 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 person under sections 387 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 their 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 1st accused person for the offence under sections 387 and 506 (ii) of Indian Penal Code, 1860?

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

9. The PW1- Ramakrishnan- The defacto complainant deposed that, about 7 to 8 years ago, while he was proceeding to his house from the shop, the accused and two other persons were standing near Shop Street. When he tried to cross them, they stopped him and demanded money for consuming alcohol. He refused to give them any money. Thereupon, they told him that they were armed and that he had to give them the money. They were also in possession of



an aruval. Out of fear, he handed over a sum of Rs.300/- to them. Thereafter, he lodged a complaint before the Chettinad Police Station, which has been marked as Ex.P1. Subsequently, he came to know that the accused and the other two persons belonged to Kothamangalam.

10. The PW2- Gopal- who was examined as an eye witness to the occurrence, deposed that he knew P.W.1. However, he did not know the accused. He further stated that he did not remember the date of the occurrence. According to him, at about 7.00 to 8.00 p.m, while he was at his shop, P.W.1 was standing in front of the shop. At that time, there was a crowd gathered in front of the shop, and P.W.1 was speaking with those persons. However, he did not know what had happened and had no knowledge about the occurrence. He further stated that he was deposing in the case only at the instance of the police. Since he did not support the prosecution case, he was treated as a hostile witness by the prosecution.

11. The PW3- Sundaram- who was examined as who was examined as an eye witness to the occurrence, deposed that he knew P.W.1. However, he did not know the accused. He further stated that he did not remember the date of the occurrence. According to him, in the year of 2016 at about 7.00 to 8.00 p.m while he was front of shop, P.W.1 was standing in front of the shop. At that time, there was a crowd gathered in front of the shop, and P.W.1 was speaking



with those persons. However, he did not know what had happened and had no knowledge about the occurrence. He further stated that he was deposing in the case only at the instance of the police. Since he did not support the prosecution case, he was treated as a hostile witness by the prosecution.

12. The PW4- Nagappan- who was examined as the confession statement and recovery witness, deposed that he did not remember the exact date of the occurrence. He stated that in the month of December 2016, after attending a function, he and one Chellappan were returning to their house. At that time, the Chettinad Police informed them that they were conducting an enquiry in connection with several criminal cases and that the accused and four other persons were present. Thereafter, they went to the Chettinad Police Station, where the accused and four other persons were found. According to him, the accused voluntarily gave a confession statement regarding the theft without any coercion, and the Inspector of Police recorded the same in his presence. Thereafter, he read the confession statement, signed it, and the same has been marked as Ex.P2. Based on the said confession statement, the Inspector of Police recovered the case properties at Nemathanpatti Bus Stop and prepared the recovery mahazar in his presence. He also signed the recovery mahazar, and his signatures therein have been marked as Exs.P3 and P4.



13. The PW5- Chithambaram- who was examined as eye witness to the incident had also turned hostile and did not supported the case.

14. The PW6- Sakthivel- was examined as eye witness to the incident had also turned hostile and did not supported the case.

15. The PW7- Sevukapermal- who was examined as the mahazar witness, admitted his signature in the mahazar. However, he stated that he did not know anything about the case and denied the prosecution version. Since he did not support the prosecution case, he was treated as a hostile witness by the prosecution.

16. The PW8- Sakthi- The Sub Inspector of Police, who registered the FIR, deposed that on 14.12.2016 at about 8.30 p.m while he was on station duty, P.W.1 came to the police station and lodged a complaint. Based on the said complaint, he registered a case in Crime No.73 of 2016 for the offences under Sections 387 and 506(ii) of the IPC. The First Information Report has been marked as Ex.P6. Thereafter, he handed over the case records to the Inspector of Police for further investigation.

17. The PW9- Raveendhran- The Investigation Officer deposed that, after receiving the FIR, he examined the witnesses and recorded their



statements. Thereafter, on 14.12.2016, at about 9.15 p.m, he visited the place of occurrence and prepared the Observation Mahazar and Rough Sketch, which have been marked as Exs.P7 and P8. Further, on 17.12.2016, at about 10.00 a.m, while he, along with Sub-Inspector Sakthivel, was conducting routine vehicle checking, the accused was secured. The accused voluntarily gave a confession statement in the presence of Nagappan and Chellappan, and the admissible portions of the confession statements have been marked as Exs.P9 and P10. Based on the said confession statements, between 11.15 a.m. and 12.45 p.m, he recovered the case properties in the presence of the same witnesses. The recovery mahazars have been marked as Exs.P11 and P12. Thereafter, the recovered properties were produced before the Court under Form 95, which have been marked as Exs.P13 and P14, and the material objects have been marked as M.O.Nos.1 to 3. After completing the investigation, on 29.12.2016, he filed the final report before this court.

The point for consideration is answered as follows;-

18. The prosecution case is that on 14.12.2016 at about 7.45 p.m, in front of Gopal Petty Shop, Kanadukathan, the 1st accused was armed with an aruval and the 2nd accused was holding a knife. It is alleged that both the accused used filthy language in a public place, threatened the public, demanded money from the defacto complainant for consuming alcohol and, when he refused stating that he had no money, they threatened him with dire



consequences by showing the weapons. Thereafter, the 2nd accused allegedly removed a sum of Rs.300/- from the shirt pocket of the defacto complainant. In order to prove the above allegations, the prosecution examined P.W.1 to P.W.9, marked Exs.P1 to P14 and produced M.O.Nos.1 to 3.

19. The P.W.1 is the defacto complainant and the star witness for the prosecution. Though he has stated that about seven to eight years ago, while he was proceeding through the shop street, the accused and two others demanded money from him by showing an aruval and that, out of fear, he handed over Rs.300/-, his evidence is not free from doubt. He has admitted that he does not remember the exact date of occurrence. More importantly, during his cross examination, he admitted that the occurrence took place during night hours and he was unable to state clearly as to which accused had actually taken the money from him. The relevant portion of his cross examination is read as follows:-

“அது இரவு நேரம் என்றால் சரிதான். அந்த நேரத்தில் என்னிடம் யார் பணம் கேட்டது என 2 பேர்கள் இருந்தார்கள் போதிய வெளிச்சம் இல்லாததால் யார் என சொல்லமுடியாது என்றால் சரிதான்.”

The prosecution case specifically alleges that the 2nd accused removed the money from his shirt pocket. However, P.W.1 has not specifically identified the person who took the money. This omission goes to the root of the prosecution case and creates a serious doubt regarding the identity and role of the accused.



20. The P.Ws.2, 3, 5, 6 and 7, who were cited either as eye witnesses or mahazar witnesses, did not support the prosecution case. They were treated as hostile. Their evidence does not advance the case of the prosecution in any manner. Thus, the prosecution has lost the support of all the independent witnesses to the occurrence.

21. The P.W.4 is an important witness since he was examined as the witness for the confession statement and recovery. Though in his chief examination he stated that the accused gave a voluntary confession and that the recovery was made, his cross-examination creates serious doubt regarding the prosecution version. He deposed that when he was called to the police station there were four persons present, whereas according to the prosecution only two accused persons were involved in this case, one of whom has since died. This inconsistency remains unexplained.

22. Further, P.W.4 admitted during cross examination that he was brought to the police station by the police and that he merely signed the documents. He has further admitted that he was not present at the place of recovery, that he did not know what articles were recovered and that nothing was recovered in his presence. These admissions are directly contrary to his chief examination wherein he stated that the recovery was effected in his presence. Therefore, his evidence suffers from material contradictions and cannot be safely relied upon. It is also significant that the other alleged



confession and recovery witness, namely Chellappan, has not been examined by the prosecution without any explanation. The non examination of the other attesting witness further weakens the prosecution case.

23. The P.W.8, the Sub-Inspector of Police, has only spoken about the registration of the FIR. His evidence is purely formal in nature and does not establish the involvement of the accused in the commission of the offence.

24. The P.W.9, the Investigating Officer, has deposed that after securing the accused, the confession statement was recorded at the place of occurrence. However, this version is inconsistent with the evidence of P.W.4, who has categorically stated that he was taken to the police station where the confession statement was recorded. Thus, there is a material contradiction between the evidence of the recovery witness and the Investigating Officer regarding the very place where the alleged confession was recorded. Such contradiction casts serious doubt on the genuineness of the alleged confession and the consequential recovery.

25. 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."

26. In the present case, the evidence of P.W.1 does not clearly establish the role of the accused. All the independent witnesses have turned hostile. The evidence of P.W.4, who is the crucial witness for the confession and recovery, is inconsistent and unreliable. The non examination of the other recovery witness, coupled with the contradiction between P.W.4 and P.W.9 regarding the recording of the confession statement, further weakens the prosecution case. These are not minor discrepancies but material contradictions affecting



the core of the prosecution story. The chain of evidence has not been clearly established so as to connect the 1st accused with the alleged offences.

27. Accordingly, the 1st accused is entitled to the benefit of doubt and deserves to be acquitted of the charges framed against him.

28. In the result, the offence alleged against Accused No. 1 under sections 387 and 506 (ii) of Indian Penal Code, 1860, has not been proved and the accused is found not guilty. Hence, Accused is acquitted under Section 248(1) of Cr.P.C. The bail bonds, if any, executed by the accused shall stand cancelled and the sureties, if any, shall stand discharged after the expiry of the appeal period.

29. Since, the 2nd accused died during the pendency of the trial and the charges against him were already abated by this court, no findings are rendered in respect of the 2nd accused.

30. In this case the properties case property remanded in P.R.No.298/2016, 299/2016 (P.M.O.No.1 & P.M.O.No.3), 1)Knife – 40cm, 3)Aruval – 38 cm shall be destroyed after the expiry of the appeal period. In case an appeal is filed, the disposal of the said property shall be subject to the orders of the Appellate Court.



31. In this case the properties case property remanded in P.R.No.299/2016 two wheeler bike (P.M.O.No.2). The owner of the Vehicle is ordered to apply and obtain the property in the custody of the above property within one month. Failing which the same shall be confiscated to the state.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 27th day of July, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Ramakrishnan	Defacto Complainant
2	Mr. Gopal	Eye witness
3	Mr. Sundaram	Eye witness
4	Mr. Nagappan	Confession and Seizure Mahazar witness
5	Mr. Chithambaram	Eye witness
6	Mr. Sakthivel	Eye witness
7	Mr. Sevukaperumal	Mahazar witness
8	Mr. Sakthi	FIR Register witness



9	Mr.Raveendhran	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Signature of the PW4 in Confession Statement	PW4
3	Signature of the PW4 in Seizure Mahazar	PW4
4	Signature of the PW4 in Seizure Mahazar	PW4
5	Signature of the PW7 in Observation Mahazar	PW7
6	First Information Report	PW8
7	Rough Sketch	PW9
8	Observation Mahazar	PW9
9	Confession Statement	PW9
10	Confession Statement	PW9
11	Seizure Mahazar	PW9



12	Seizure Mahazar	PW9
13	Form 95	PW9
14	Form 95	PW9
Exhibits of the Defence - NIL		
Material Objects Submitted by Prosecution		
1	Knife - 40cm	PW9
2	Two wheeler Bike	PW9
3	Aruval – 38cm	PW9
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 : 27.07.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.