



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Friday the 03rd day of July 2026

Calendar Case No.1936 of 2022

Crime No.147 of 2021

(On the file of Alagappapuram Police station)

CNR No.TNSV19 – 005 – 573 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.1936 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Sub Inspector of Police, Algappapuram Police Station, Sivagangai District. Crime No. 147 of 2021. Complainant
3.	Name	1. Venketu,
	Father's name	S/o. Anthony Samy,
	Occupation	Door No.18, Railway College Road,
	Residence	Alagappapuram, Karaikudi Taluk,
	Age	Sivagangai District. 2. Subramani @ Subramaniyan, S/o. Alagan, Door No.45/2, Nallaiyan Asari Street, Edaiyar Street, Karaikudi Taluk, Sivagangai District..



	3. Kumaravel, S/o. Shanmugavel, No.12, Maruthu Pandiyar Nagar, 2nd Street, Karaikudi Taluk, Sivagangai District. 4. Ganesan, S/o. Chinnadurai, Sudamanipuram 5th Street, Karaikudi Taluk, Sivagangai District. 5. Venkatesan @ Venkateshwaran, S/o.Kannan, D. No.64/9, AVBL Street, Karaikudi Taluk, Sivagangai District. 6. Bharathy, S/o. Ramasamy, D. No.55, College Railway Road, Karaikudi Taluk, Sivagangai District. 7. Ganesan, S/o. Manickam, D.No. 64, NSM Complex, Pallivasal Street, Karaikudi Taluk, Sivagangai District.Accuseds
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4.	Date of Occurrence	26.09.2021		
5.	Date of Final Report	23.11.2021		
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	24.06.2026	24.06.2026
		PW-2	24.06.2026	24.06.2026
		PW-3	24.06.2026	24.06.2026
		PW-4	29.06.2026	29.06.2026
9.	Closure of Trial	29.06.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	30.06.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused Nos. 1 to 7 under sections 147, 148, 294 (b) and 506 (ii) of Indian Penal Code, 1860, has not been proved and the accused are found not guilty. Hence, Accused are 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	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	30.06.2026
15.	Date of Judgment Pronounce	03.07.2026
16	Date of Judgment upload	03.07.2026

This case being taken on file and number has been assigned as CC.No. 1936/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.G.Sornam, counsel for Accused 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 Sub Inspector of Police, Alagappapuram Police Station, in Crime No. 147 of 2021 against the above accused persons under sections 147, 148, 294 (b) and 506 (ii) of Indian Penal Code, 1860.



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

The defacto complainant is an auto driver at Karaikudi New Railway Station. On 26.09.2021 at about 8.20 p.m, when the defacto complainant and one Ganesan, Selvapandi, Anbalagan, Thomas, Saravanan, Senthinathan, Thangaraj, Mathan, Balu, Narayanan, and Manikandan were standing near the Karaikudi New Railway Station ticket gate with their autos for picking up passengers, the accused were also standing there with their autos. When the defacto complainant and the above mentioned persons questioned the accused as to why they were standing in their auto stand, the accused unlawfully assembled and stated that they had obtained permission from the Railway Authorities. At that time, the defacto complainant and the others informed the accused that they had obtained permission only for the New Railway Station and not for this station. Thereupon, the accused took an iron rod from their auto and wooden sticks, abused them in filthy language, and issued life threats against them with dire consequences.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 26.09.2021 before the complainant police and based on which the FIR was registered on 29.09.2021. 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 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 147, 148, 294 (b) 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 PW4 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 147, 148, 294 (b) 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 accused persons for the offence under sections 147, 148, 294 (b) and 506 (ii) of Indian Penal Code, 1860?

The point is answered as follows:-

9. In the present case, the PW1, who is the defacto complainant and the person who set the law in motion, had turned hostile during the course of his deposition before this Court. In his evidence, PW1 had deposed that she had entered into a compromise with the accused, as the accused was known to him. According to him, there was no nexus between the accused and the alleged occurrence and the complaint had been lodged mistakenly and they have not used any abusive language and they have not issued any life thereate against him. Thus, PW1 completely disowned the prosecution case and did not support the allegations levelled against the accused. The PW2 and PW3 who are cited



and examined as an eye witness to the case had also turned hostile. She deposed in line with the evidence of the PW1 and failed to support the prosecution version in any manner. Therefore, the evidence of PW1 does not advance the case of the prosecution. On the contrary, their evidence creates serious doubt regarding the very occurrence alleged by the prosecution and the involvement of the accused therein.

10. The testimony of the PW4, 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 to PW3 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 (PW4) is not sufficient in the absence of substantive evidence.

14. The point to be decide by this court is that, is it ritual to acquit the accused when the complainant and the victim turns hostile. It is settled proposition of law the hostility of a witness cannot demolish the prosecution case where it has already been built on some other evidence and surrounding circumstance. Arriving to case for consideration the victims namely PW1 to PW3 are fully turned hostile. Whether the evidence of hostile witness to be totally discarded, the answerspecified being no, this court proceeds with the view laid down in the case State Vs Harischandra Tukaran, wherein it being specified that when the testimony of such 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 is deposed 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 PW4, 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. In the result, the offence alleged against Accused Nos. 1 to 7 under sections 147, 148, 294 (b) and 506 (ii) of Indian Penal Code, 1860, has not been proved and the accused are found not guilty. Hence, Accused are 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.

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 03rd day of July, 2026.

Judicial Magistrate,
Karaikudi.



Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Karuppaiah	Defacto Complainant
2	Mr. Ganesan	Eye witness
3	Mr. Selvapandi	Eye witness
4	Mr. Ramanathan	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 Complaint	PW1
2	Complaint	PW4
3	First Information Report	PW4
4	Rough Sketch	PW4
5	Observation Mahazar	PW4
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 : 03.07.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.