



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Monday the 20th day of July 2026

Calendar Case No.1145 of 2022

Old C.C.No.20 of 2020

Crime No.167 of 2019

(On the file of Karaikudi South Police station)

CNR No.TNSV19 – 003 – 063 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.1145 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Sub Inspector of Police, Karaikudi South Police Station, Sivagangai District. Crime No. 167 of 2019. Complainant
3.	Name	1. Shanmuganathan @ Shanmugam,
	Father's name	S/o. Vellaichami,
	Occupation	Anna Nagar Rajendhran Street,
	Residence	Karaikudi, Sivagangai District.
	Age	2. Sethumuthuramalingam @ Sethu, S/o. Ramasamy, Anna Nagar, Kalanivsal Puthu Road,



		Meenakshipuram, Karaikudi, Sivagangai District. 3. Lakshmanan, S/o. Erulandi, Periyar Street. Anna Nagar, Karaikudi, Sivagangai District. 4. Prabu @ Shanmuga Prabu, S/o. Kannan, Subramaniapuram 10 th Street, North Extension, Alagappapuram, Karaikudi, Sivagangai District. Accuseds
4.	Date of Occurrence	29.05.2019
5.	Date of Final Report	22.06.2019
6.	Date of Apprehension	A4. 30.05.2019
7.	Date of Release on bail	A4. 03.06.2019



8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	12.01.2026	12.01.2026 06.07.2026
		PW-2	12.01.2026	12.01.2026 06.07.2026
		PW-3	12.01.2026	12.01.2026
		PW-4	10.02.2026	10.02.2026
		PW-5	10.02.2026	10.02.2026
		PW-6	10.02.2026	10.02.2026
		PW-7	09.04.2026	09.04.2026
9.	Closure of Trial	09.04.2026		
10.	Accused are questioned u/s.313(1)(b) of Crpc date	10.07.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused Nos. 1 to 4 under Sections 294(b), 323 and 506(i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, 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 Nos.1 to 4 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 persons	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 are and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	14.07.2026
15.	Date of Judgment Pronounce	20.07.2026
16.	Date of Judgment upload	20.07.2026

This case being taken on file in the year 2020 and previously numbered as CC.No. 20/2020 and this court converted on 2022 as Judicial Magistrate Court Karaikudi, new number has been assigned as CC.No. 1145/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.G.M.Kumara Guru, 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 Sub Inspector of Police, Karaikudi South Police Station, in Crime No. 167 of 2019 against the above accused persons under sections 294 (b), 323 and 506 (1) 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 prosecution case is that the defacto complainant is a resident of Srinivasan Nagar, Ariyakudi. On 29.05.2019 at about 3.30 p.m, on Ariyakudi Road near Annai Road, when the defacto complainant tried to cross the main road along with her goats, the 1st accused rammed his Hero Splendor Plus motorcycle against the goats, and one of the goats was thrown away. When the defacto complainant questioned the 1st accused, the 1st accused used filthy language against the defacto complainant, slapped her on her chin, and pulled her down. When the same was questioned by the defacto complainant's son, namely Santhosh Kumar, the 2nd accused beat the defacto complainant's son with his hands and pulled him down. The 3rd and 4th accused used abusive language, beat them with their hands, issued life threats to them, and outraged the modesty of the defcato complainant.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 30.05.2019 before the complainant police and based on which the FIR was registered on 30.05.2019. 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 he 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), 323 and 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 PW7 and Exhibits P1 to P9 and P.M.O.No. 1 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 294 (b), 323 and 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 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 294 (b), 323 and 506 (1) of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002?



The point for consideration is answered as follows;-

9. In this case, the prosecution alleges that on 29.05.2019 at about 3.30 p.m, on Ariyakudi Road near Annai Road, when the defacto complainant was crossing the main road along with her goats, the 1st accused rammed his Hero Splendor Plus motorcycle against the goats. When the defacto complainant questioned him, the 1st accused abused her in filthy language, assaulted her, and pulled her down. It is further alleged that when her son, Santhosh Kumar, questioned the incident, he was also assaulted by the accused. It is the further case of the prosecution that the 3rd and 4th accused also abused the defacto complainant and her son, assaulted them, criminally intimidated them, and outraged the modesty of PW1.

10. In order to prove its case, the prosecution examined PW1 to PW7, marked Ex.P1 to Ex.P9 and produced M.O.1.

11. The PW1, the defacto complainant and the person who set the law in motion, initially supported the prosecution case during her chief examination. She deposed that on 29.05.2019 at about 3.30 p.m, Accused Nos.1 and 4 came to the place of occurrence and rammed the motorcycle against her. When she questioned them, Accused Nos.1 and 4 abused her in filthy language and assaulted her. She further stated that Accused Nos.2 and 3



also assaulted her and pulled her inside the house. She also stated that one of her gold chains was found missing and thereafter she lodged the complaint.

12. However, during her further cross examination, PW1 completely changed her version. She categorically deposed that she had compromised the dispute with the accused persons. She further stated that there was no connection between the accused and the missing gold chain. She admitted that the accused had not used any weapon, that they had not abused or assaulted her, and that the complaint had been lodged only on suspicion. The relevant portion of her cross examination is extracted hereunder for better appreciation;-

“வழக்கின் எதிரிகளுடன் தற்போது சமரசம் செய்து கொண்டு சமாதான மனு தாக்கல் செய்துள்ளேன் என்றால் சரிதான். காணாமல் போன எனது செயின் கிடைத்து விட்டா என்றால் கிடைக்கவில்லை. காணாமல் போன எனது செயினுக்கும் எதிரிகளுக்கும் சம்மந்தம் இல்லை என்றால் சரிதான். சம்பவம் நடந்ததாக சொல்லும் இடத்தில் எதிரிகள் ஆயுதங்களை வைத்து என்னை மிரட்டவில்லை என்றால் சரிதான். ஆஜர் எதிரிகளுக்கும் எனக்கும் வழக்கிற்கும் எந்த தொடர்பும் கிடையாது என்றால் சரிதான். சந்தேகத்தின் பெயரில் தான் எதிரிகள் மீது வழக்கு போட்டேன் என்றால் சரிதான். எதிரிகள் என்னை திட்டவும் இல்லை, தகாத வார்த்தைகளால் பேசவும் இல்லை என்றால் சரிதான். சம்பவம் நடந்ததாக சொல்லும் போது யாரும் யாரையும்



அடித்துக்கொள்ளவில்லை. யாருக்கும் காயங்கள் ஏற்படவில்லை என்றால் சரிதான்.”

Thus, PW1 herself has not supported the prosecution case during her cross examination.

13. The PW2, Santhosh Kumar, the son of the defacto complainant, also initially supported the prosecution during his chief examination. However, during cross-examination, he also deposed in line with PW1 and did not support the prosecution allegations against the accused. The relevant portion of his cross examination is extracted hereunder for better appreciation;-

“வழக்கின் எதிரிகளுடன் தற்போது சமரசம் செய்து கொண்டு சமாதானமனு தாக்கல் செய்துள்ளோம் என்றால் சரிதான். காணாமல் போன செயின் எதிரிகள் எடுக்கவில்லை என்றால் சரிதான். காணாமல் போன எனது செயின் கிடைத்து விட்டதா என்றால் கிடைக்கவில்லை. காணாமல் போன எனது செயினுக்கும் எதிரிகளுக்கும் சம்மந்தம் இல்லை என்றால் சரிதான். சம்பவம் நடந்ததாக சொல்லும் இடத்தில் எதிரிகள் ஆயுதங்களை வைத்து என்னை மிரட்டவில்லை என்றால் சரிதான். ஆஜர் எதிரிகளுக்கும் வழக்கிற்கும் எந்த தொடர்பும் கிடையாது என்றால் சரிதான். சந்தேகத்தின் பெயரில் தான் எதிரிகள் மீது வழக்கு போட்டோம் என்றால் சரிதான். எதிரிகள் என்னை திட்டவும் இல்லை. தகாத வார்த்தைகளால் பேசவும் இல்லை



என்றால் சரிதான். சம்பவம் நடந்ததாக சொல்லும் போது யாரும் யாரையும் அடித்துக்கொள்ளவில்லை. யாருக்கும் காயங்கள் ஏற்படவில்லை என்றால் சரிதான்.”

14. The PW3, Chandran, who is the husband of PW1 and a mahazar witness, has not given any evidence to strengthen the prosecution case regarding the occurrence.

15. The PW4, who was examined as an eye witness to the occurrence, turned hostile. He did not support the prosecution case and specifically deposed that he did not know anything about the occurrence.

16. The PW5, Kanika, the daughter of PW1, was examined only as a hearsay witness. She had no direct knowledge about the occurrence. Therefore, her evidence is of no assistance to the prosecution.

17. The PW6, the recovery mahazar witness for the seizure of the accused's motorcycle, also turned hostile. She even deposed that she had not been examined by the police. Therefore, the alleged recovery has also not been satisfactorily proved.

18. The PW7 is the Investigating Officer. His evidence only speaks about the stages of investigation, registration of the case, preparation of records and filing of the final report. His evidence is only formal in nature. When the



material witnesses, namely PW1 and PW2, have not supported the prosecution case and the independent witness PW4 and recovery witness PW6 have also turned hostile, the evidence of the Investigating Officer alone is not sufficient to prove the guilt of the accused beyond reasonable doubt.

19. 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."

20. In the present case, the star witnesses, namely PW1 and PW2, have not supported the prosecution case in material particulars. The independent eye witness and recovery witness have also turned hostile. There is no reliable and convincing evidence available before this court to connect the accused with the alleged offences. Hence, serious doubt arises regarding the prosecution case, and the benefit of such doubt must necessarily go to the accused.

21. Accordingly, this court holds that the prosecution has failed to prove the charges against the accused beyond all reasonable doubt for the offences under Sections 294(b), 323 and 506(i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002. Therefore, the accused are entitled to be acquitted of all the charges.

22. In the result, the offence alleged against Accused Nos. 1 to 4 under Sections 294(b), 323 and 506(i) of the Indian Penal Code and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, 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.



23. In this case the properties remanded in P.R.No.92/2019 (P.M.O.No.1) Two wheeler Bike has already been handed over to the Defacto Complainant on 11.07.2019 as per the orders in CrI.M.P.No.3937/2019. Hence, no separate order regarding disposal of properties is required. Since, the case itself disposed off, the properties handed over to the Defacto Complainant can be retained by him and the bond if any executed for the same shall be cancelled after lapse of appeal period.

Typed by me in my computer, verified by me to be correct and pronounced in open court on 20th day of July, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mrs. Kannathal	Defacto Complainant
2	Mr. Santhosh Kumar	Eye witness
3	Mr. Chandran	Hearsay witness
4	Mr. Chelladurai	Eye witness
5	Mr. Kanniga	Eye witness
6	Mrs. Packiyalakshmi	Mahazar witness
7	Mr. Chandrasekaran	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 PW3 in Complaint	PW3
3	Signature of the PW6 in Observation Mahazar	PW6
4	Signature of the PW6 in Seizure Mahazar	PW6
5	First Information Report	PW7
6	Rough Sketch	PW7
7	Observation Mahazar	PW7
8	Seizure Mahazar	PW7
9	Form 95	PW7
Exhibits of the Defence - NIL		
Material Objects Submitted by Prosecution		
1	Two wheeler bike	PW7
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 : 20.07.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.