



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Tuesday the 23rd day of June 2026

Calendar Case No.1347 of 2022

Old C.C.No.16 of 2021

Crime No.183 of 2020

(On the file of Pallathur Police station)

CNR No.TNSV19 – 003 – 463 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.1347 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through The Sub Inspector of Police, Pallathur Police Station, Sivagangai District. Crime No. 183 of 2020. Complainant
3.	Name	Rasu,
	Father's name	S/o. Duraisamy,
	Occupation	Sokkanathapuram,
	Residence	K. Alagapuri,
	Age	Karaikudi, Sivagangai District. Accused
4.	Date of Occurrence	28.09.2020
5.	Date of Final Report	09.11.2020
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	07.08.2025	07.08.2025
		PW-2	04.06.2026	04.06.2026
		PW-3	04.06.2026	04.06.2026
		PW-4	17.06.2026	17.06.2026
9.	Closure of Trial	17.06.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	22.06.2026		
11.	Sentence or Order.	In the result, the offence alleged against Accused under sections 294 (b), 324 and 506 (ii) of Indian Penal Code, 1860 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, 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	Yes. 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 is and Covid - 19 pandemic situation.
14.	Date of Judgment Reserved	22.06.2026
15.	Date of Judgment Pronounce	23.06.2026

This case being taken on file in the year 2021 and previously numbered as CC.No.16/2021 and this court converted on 2022 as Judicial Magistrate Court, Karaikudi, new number has been assigned as CC.No.1347/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.K.Velmurugan, 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, Pallathur Police Station, in Crime No. 183 of 2020 against the above accused person under sections 294 (b), 324 and 506 (ii) 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 defacto complainant is a resident of Alagapuri. On 28.09.2020 at about 6.00 p.m, while the defacto complainant was working in the agricultural field belonging to one Duraisamy, the accused came there, abused the defacto complainant in filthy language, and warned her not to come to the field for work. Thereafter, the accused attacked the defacto complainant with an iron rod, causing an injury on the left side of her forehead. The accused also criminally intimidated the defacto complainant by threatening her with dire consequences.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 29.09.2020 before the complainant police and based on which the FIR was registered on 29.09.2020. On charge sheet being file, the case was taken on file against the accused person 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 he being accused was put to him, and accused had denied the same, as prima facie case existed, this court framed charge against the accused person under sections 294 (b), 324 and 506 (ii) of Indian Penal Code, 1860 and Section 4 of Tamilnadu Prohibition of



Harassment of Women Act, 2002, and asked whether he plead guilty or has any defence to make. The accused had 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 P8 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 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 294 (b), 324 and 506 (ii) 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 person for the offence under sections 294 (b), 324 and 506 (ii) 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 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 her 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 her. He further stated that he had nothing to depose regarding the occurrence alleged by the prosecution. According to him, there was no nexus between the accused and the alleged occurrence and the complaint had been lodged due to prior enmity. 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 mahazar witness to the occurrence, had also turned hostile. They deposed in line with the evidence of the PW1 and failed to



support the prosecution version in any manner. Therefore, the evidence of PW 1 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 had 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 decided by this court is that, is it a rule 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 circumstance. Arriving at the case for consideration the victim namely PW1 had fully turned hostile. Whether the evidence of a hostile witness is to be totally discarded, the answer specified being no, this court proceeds with the view laid down in the case State Vs Harischandra Tukaran, wherein it was 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 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 accused.

16. In the result, the offence alleged against Accused under sections 294 (b), 324 and 506 (ii) of Indian Penal Code, 1860 and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, 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.

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 23rd day of June, 2026.

Judicial Magistrate,
Karaikudi.



Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Maruthaivel	Defacto Complainant
2	Mr. Iyyappan	Mahazar witness
3	Mr. Lakshmanan	Mahazar witness
4	Mr. Shanmugam	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 Complaint Petition	PW1
3	Complaint	PW4
4	First Information Report	PW4
5	Rough Sketch	PW4
6	Observation Mahazar	PW4
7	Wound certificate with Accident Register	PW4
8	Alteration Report	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 : 23.06.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.