



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Thursday the 11th day of June 2026

Calendar Case No.1635 of 2022

Crime No.393 of 2020

(On the file of Karaikudi South Police station)

CNR No.TNSV19 – 004 – 516 - 2022

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

1.	Serial Number	Calendar Case (C.C). No.1635 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. 393 of 2020. Complainant
3.	Name	Suresh,
	Father's name	S/o. Chinnathambi,
	Occupation	No.145, Kannappan Street,
	Residence	Ariyakudi, Karaikudi,
	Age	Sivagangai District. Accused
4.	Date of Occurrence	20.08.2020
5.	Date of Final Report	17.09.2020
6.	Date of Apprehension	23.08.2020
7.	Date of Release on bail	28.08.2020



8.	Date of examination of witnesses in chief, Cross	Witnesses	Chief Examination	Cross Examination
		PW-1	26.03.2026	26.03.2026
		PW-2	26.03.2026	26.03.2026
		PW-3	12.05.2026	12.05.2026
		PW-4	12.05.2026	12.05.2026
		PW-5	09.06.2026	09.06.2026
9.	Closure of Trial	09.06.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	10.06.2026		
11	Sentence or Order.	Thus, from the point of view of a prudent man and from the foregoing discussions, this court is of the considered view that the prosecution has failed to prove the guilt of the accused and he is found not guilty of the offences punishable under sections 294 (b), 506 (ii) and 326 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and acquitted under Section 248(1) of the Code of Criminal Procedure. The bail bonds, if any, executed by the accused shall stand cancelled and the sureties 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	10.06.2026
15.	Date of Judgment Pronounce	11.06.2026

This case being taken on file as CC.No.1635/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor-Grade I and Mr.D.Balamurugan, 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 Sub Inspector of Police, Karaikudi South Police Station, in Crime No. 393 of 2020 against the accused person under sections 294 (b), 506 (ii) and 326 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 Kalavaipottal Village. The accused was known to the defacto complainant and both were friends. The parents of the defacto complainant advised her not to maintain any relationship with the accused, stating that his conduct and character were not good. Acting upon the advice of her parents, the defacto complainant avoided speaking with the accused. Aggrieved by the same, the accused developed animosity towards the defacto complainant. On 20.08.2020 at about 09.00 p.m, when the defacto complainant, along with her friends namely Nagu, Latha and Swathi, was proceeding near the Old Government Hospital, Karaikudi, towards her house, the accused intercepted them. It is alleged that the accused, without any provocation and without considering that the defacto complainant was a woman, abused her in filthy language. Thereafter, he picked up a stone and threw it at the defacto complainant, which struck her on the right side of her forehead, causing grievous injury. It is further alleged that the accused criminally intimidated the defacto complainant by threatening her with dire consequences.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 21.08.2020 before the complainant police and based on which the FIR was registered on 21.08.2020. 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 they being accused was put to them, and accused had denied the same, as prima facie case existed, this court framed charge against the accused person under sections 294 (b), 506 (ii) and 326 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 adduced on the side of the prosecution consists of the oral testimonies of PW1 to PW5 and the documentary evidence marked as Exs.P1 to P10 also marked. After the closure of the prosecution side evidence, this court questioned the accused person under Section 313 (1) (b) of Cr.P.C, with regard to the incriminating circumstances available against him in the prosecution evidence. The accused had denied the same as false and denied his complicity in the alleged offence. On the side of the defence, no witness was examined and no document was marked.

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), 506 (ii) and 326 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), 506 (ii) and 326 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, 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 her evidence, PW1 had deposed that she had entered into a compromise with the accused. She further stated that on



20.08.2020, she accidentally fell down and sustained an injury on her forehead. According to her, under a mistaken impression and due to previous enmity, she had lodged the complaint against the accused. She categorically deposed that the accused had no connection whatsoever with the occurrence and that there was no nexus between the accused and the case. The PW2 and PW3, who were examined as eyewitnesses to the occurrence, had also turned hostile and did not support the prosecution case. They deposed in line with the evidence of PW1 and failed to implicate the accused in any manner. Their evidence does not advance the case of the prosecution. The PW4, who was examined as a mahazar witness, had likewise turned hostile and did not support the prosecution version. Nothing useful to the prosecution could be elicited from his evidence. Thus, the material witnesses, namely PW1 to PW4, have not supported the prosecution case. Their evidence goes to the root of the matter and creates serious doubt regarding the prosecution version.

10. The testimony of the PW5, 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 (PW5) 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 turns hostile. It is a 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 answer specified 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 PW5, 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. Thus, from the point of view of a prudent man and from the foregoing discussions, this court is of the considered view that the prosecution has failed to prove the guilt of the accused and he is found not guilty of the offences punishable under sections 294 (b), 506 (ii) and 326 of Indian Penal Code, 1860 and section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002 and acquitted under Section 248(1) of the Code of Criminal



Procedure. The bail bonds, if any, executed by the accused shall stand cancelled and the sureties 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 11th day of June, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mrs.Dharani	Defacto Complainant
2	Mrs.Latha	Eye witness
3	Mrs.Swathi	Eye witness
4	Mr.Veerapandi	Observation Mahazar witness
5	Mr.Thavamuni	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	Signature of the PW4 in Observation Mahazar	PW4
4	Complaint	PW5
5	First Information Report	PW5
6	Rough Sketch	PW5
7	Observation Mahazar	PW5
8	Wound Certificate	PW5
9	Medical Report	PW5
10	Alteration Report	PW5
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 : 11.06.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.