



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Thursday the 12th day of March 2026

Calendar Case No.1698 of 2022

Crime No.237 of 2019

(On the file of Sakkottai Police station)

CNR No.TNSV19 – 004 – 755 - 2022

Statement as per Rule 106 of the Criminal Rules of Practice, 2019		
1.	Serial Number	Calendar Case (C.C). No.1698 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through Sub Inspector of Police, Sakkottai Police Station, Sivagangai District. Crime No. 237 of 2019. Complainant
3.	Name	Ramasamy,
	Father's name	S/o.Karuppaiah,
	Occupation	Mathur,
	Residence	Karaikudi Taluk, Sivagangai District. Accused
	Age	
4.	Date of Occurrence	23.08.2019
5.	Date of Final Report	24.10.2019
6.	Date of Apprehension	--



7.	Date of Release on bail	--		
8.		Witnesses	Chief Examination	Cross Examination
		PW-1	09.03.2026	09.03.2026
		PW-2	09.03.2026	09.03.2026
		PW-3	09.03.2026	09.03.2026
		PW-4	09.03.2026	09.03.2026
9.	Closure of Trial	09.03.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	11.03.2026		
11	Sentence or Order.	The offence alleged under sections 341, 294 (b) and 324 of Indian Penal Code, 1860, was not proved and found not guilty, the accused is set acquitted U/s 248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stand cancelled and the sureties stands discharged after lapse of 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 and Covid - 19 pandemic situation.		



14.	Date of Judgment Reserved	11.03.2026
15.	Date of Judgment Pronounce	12.03.2026

This case being taken on file as CC.No. 1698/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr. N.Sankar, counsel for Accused and after perusing the documents filed, evidence adduced and upon hearing submission of both sides, this court passes the following;

JUDGEMENT

1. The present case has been charge sheeted by the Sub Inspector of Police, Sakkottai Police Station in Crime No. 237 of 2019 against the above accused persons under sections 341, 294 (b) and 324 of Indian Penal Code, 1860.

2. The prosecution case in brief as follows;

The defacto complainant is a resident of Mathur Village. The accused is the neighbour of the defacto complainant. The branches of a teak wood tree belonging to the accused had extended into the compound of the defacto complainant's house, due to which there was a prior enmity between them. In this regard, a complaint had already been lodged earlier and the accused had also been instructed by the police to remove the excess branches of the teak wood tree. While so, on 23.08.2019 at about 06.40 a.m., when the defacto complainant along with one Nesamani, after having temple darshan, came near



the Fair Price Shop on Mathur Road, the accused intercepted them and assaulted the defacto complainant with glass bottle on his head and used the filthy languages against the defcato complainant and issued a life threat to the defcato complainant with dire consequences.

3. Being aggrieved over the same, the defacto complainant lodged the complaint on 23.08.2019 before the complainant police and based on which the FIR was registered on 23.08.2019. 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 341, 294 (b) and 324 of Indian Penal Code, 1860, 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 P5 and marked. After closure of prosecution side evidence, this court questioned the accused person 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 341, 294 (b) and 324 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 his acquittal from the present case.

7. I have heard learned APP for the State and learned Counsel for the accused and perused the written submissions of the defence. 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 offences under sections 341, 294 (b) and 324 of Indian Penal Code, 1860?



The point for consideration is answered as follows;-

9. In this case the PW1- the defacto complainant and person who set the law in motion had turned hostile during his deposition. He stated that he had entered into a compromise with the accused person and he further deposed that the accused did not used any abusive language against him and they had not issued any life thereate to him. He had further deposed that there is no nexus between the accused and the present case. Hence, the PW1 and did not supported the prosecution and deposed disowned with her earlier statement under section 161 of CrPC. The PW2 who was examined as eye witness to the incident had also turned hostile and did not supported the prosecution version and deposed in line with the PW1. Similarly, the PW3, who was examined as mahazar witness had also turned hostile and did not supported the prosecution version.

10. The testimoney 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 Witnesses PW1 and PW2 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 decided 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 victim namely PW1 himself 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 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. Thus on the stand point view of prudent man, from the above discussion, it has come out that the prosecution has not proved the guilt of the



accused beyond reasonable doubt. As such the offence alleged under sections 341, 294 (b) and 324 of Indian Penal Code, 1860, was not proved and found not guilty, the accused is set acquitted U/s 248(1) of Cr.P.C. Bail bond if any, executed by the accused shall stand cancelled and the sureties stands discharged after lapse of 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 12th day of March, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mr. Elayaraja	Defacto Complainant
2	Mr. Nesamani	Eye witness
3	Mr. Anbarasan	Mahazar witness
4	Mr. Seeniraj	Investigating Officer
Defence Side Witness - NIL		
Chart for Exhibited Documents		



Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Singture of the PW1 in Compromise petition	PW1
2	Signature of the PW1 in Complaint Petition	PW1
3	Complaint	PW4
4	First Information Report	PW4
5	Accident Register	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 : 12.03.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.