



IN THE COURT OF THE JUDICIAL MAGISTRATE, KARAIKUDI

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

JUDICIAL MAGISTRATE, KARAIKUDI

On Wednesday the 08th day of July 2026

Summary Trial Case No.1037 of 2022

Crime Number.79 of 2022

(On the file of Pallathur Police Station)

CNR No.TNSV19 – 005 – 390 – 2022

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

1.	Serial Number	Summary Trial Case (S.T.C). No.1037 of 2022
2.	Name of the Police Station and Crime Number	State Reperesented through Sub Inspector of Police, Pallathur Police Station, Sivagangai District. Crime No. 79 of 2022. Complainant
3.	Name	Nachammai,
	Father's name	W/o. Subbu,
	Occupation	Vadakku Street,
	Residence	Kamarajar Nagar,
	Age	Kothari, Pallathur,
		Karaikudi Taluk,
		Sivagangai District. Accused
4.	Date of Occurrence	17.08.2022



5.	Date of Final Report	20.09.2022		
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	25.03.2026	25.03.2026
		PW-2	25.03.2026	25.03.2026
		PW-3	25.03.2026	25.03.2026
		PW-4	20.04.2026	20.04.2026
		PW-5	20.04.2026	20.04.2026
		PW-6	20.04.2026	20.04.2026
		PW-7	27.04.2026	27.04.2026
		PW-8	27.04.2026	27.04.2026
		PW-9	09.06.2026	09.06.2026
		PW-10	23.06.2026	23.06.2026
9.	Closure of Trial	23.06.2026		
10.	Accused is questioned u/s.313(1)(b) of Crpc date	25.06.2026		
11	Sentence or Order.	In the result, the accused is convicted under Section 255(2) Cr.P.C. for the offence punishable under Section 323 IPC and is sentenced to undergo Simple Imprisonment for a period of three months and to		



		pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for a further period one week. The accused is acquitted under Section 255(1) Cr.P.C. of the charges under Sections 294(b) and 506(i) IPC, as the prosecution has failed to prove the said offences beyond reasonable doubt.
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	02.07.2026
15.	Date of Judgment Pronounce	08.07.2026
16.	Date of Judgment Upload	08.07.2026

This case being taken on file as S.T.C.No.1037/2022 and the state being represented by Mr. Selvaraj, Assistant Public Prosecutor- Grade I and Mr.K.Muruganantham, 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. This case is charge sheeted by the Sub Inspector of Police, Pallathur Police Station in Crime No. 79 of 2022 alleging the commission of offence against the accused person under Sections 294 (b), 323 and 506 (i) of Indian Penal Code, 1860.

2. The prosecution case in brief is as follows;-

Due to prior enmity, on 17.08.2022 at about 6.45 p.m, when the defacto complainant and her husband were standing in front of their house and talking to each other, the accused came there and abused them in filthy language. The accused was enraged because the defacto complainant's father in law had intervened in a land dispute. When the defacto complainant's husband questioned the conduct of the accused, the accused also abused him in filthy language. Thereafter, the accused pushed the defacto complainant to the ground and assaulted her with his hands on the left side of her chest, causing simple injuries. As a result of the fall, she also sustained simple injuries on her left wrist. Thereafter, the accused criminally intimidated the defacto complainant and her husband by threatening them with dire consequences to their lives.

3. Being aggrieved over the same, the defacto complainant has lodged a complaint on 18.08.2022 and on the basis of the same, the FIR was registered on 18.08.2022. 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 person under Sections 294 (b), 323 and 506 (i) of Indian Penal Code, 1860, was put to him and asked whether he plead guilty or has any defence to make. However, the accused had denied the accusation and claimed to be tried, hence this court on prima facie case existed, proceeded to hear the prosecution evidence.

4. The evidence on the side of prosecution consists of testimonies of PW1 to PW10 and Exhibits P1 to P6 also 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 294 (b), 323 and 506 (i) 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. This court 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), 323 and 506 (i) of Indian Penal Code, 1860?

The Testimonies of the Prosecution witnesses in brief is as follows:-

9. The PW1-Namitha- The defacto complainant deposed that she knew the accused. There was prior enmity between the accused and her father-in-law, namely Krishnan, on account of a land dispute. On 17.08.2022 at about 6.45 p.m., when she and her husband were standing in front of their house and talking to each other, the accused came there and abused her in filthy language due to the said prior enmity. The accused also abused her father-in-law. When her husband questioned the conduct of the accused, the accused abused him in filthy language as well. Thereafter, the accused pushed her to the ground, as a result of which she sustained an inflammatory injury on the right side of her chest. She also sustained an inflammatory injury on her right hand due to the



fall. At that time, one Pandi and his wife, Annapoorani, came to the spot and intervened. She further deposed that the accused threatened to kill her. Thereafter, her mother-in-law admitted her to the Government Hospital, Karaikudi, and she was subsequently shifted by ambulance to the Government Hospital, Soorakudi, for further treatment. While she was undergoing treatment at the hospital, the police examined her, and she lodged a complaint. The said complaint has been marked as Ex.P1.

10. The PW2- Pandi Selvam- who was examined as an eye witness to the occurrence, deposed that he knew both the accused and PW1. On 17.08.2022 at about 6.45 p.m., he was at his house. While he was about to go outside, he heard a commotion from outside and noticed a quarrel between PW1 and the accused. The accused abused PW1 in filthy language and thereafter assaulted her with his hands on her chest, causing her to fall to the ground. PW1 became unconscious after the fall. Thereafter, she was taken to the hospital on a two wheeler for treatment. The witness thereafter left the place. Subsequently, he was examined by the police during the course of the investigation.

11. The PW3- Rameshkumar- who was examined as the mahazar witness, deposed that he did not remember the exact date of the occurrence. About four years ago, in the afternoon, while he was present near the place of occurrence, the police came there and enquired about the quarrel between the



accused and PW1. The police prepared the observation mahazar at the place of occurrence, in which he signed as a witness. He identified and admitted his signature in the observation mahazar. The observation mahazar has been marked as Ex.P2.

12. The PW4- Annapoorani- who was examined as eye witness had turned hostile and did not supported the prosecution version.

13. The PW5- Krishnan- who was examined as a hearsay witness, deposed that PW1 is his daughter-in-law and that the accused is the wife of his brother. He further deposed that about three to four years ago, the accused picked up a quarrel with PW1 and pushed her onto a stone, as a result of which PW1 sustained injuries to her head and chest. However, he stated that he had not been examined by the police during the course of the investigation and hence, he was treated as hostile and cross examined by the prosecution.

14. The PW6- Muthu- who was examined as hearsay witness had fully turned hostile and did not supported the case.

15. The PW7- Aathinayagan- who was examined as an eye witness to the occurrence, deposed that he knew the accused. He stated that the accused was his aunt (Chithi) and that her husband was his uncle (Chithappa). On 17.08.2022 between 6.00 p.m. and 6.45 p.m., the accused and her husband



came to his house. The accused abused him and his wife, PW1, in filthy language and also abused his father. Thereafter, the accused and her husband continued to use abusive language against them. When he questioned their conduct, the accused assaulted his wife with her hands. As a result, PW1 sustained injuries to her chest and left forearm and experienced difficulty in breathing. She was initially taken to the Government Hospital, Pallathur, by an auto-rickshaw and was thereafter shifted by ambulance to the Government Hospital, Soorakudi, where she underwent treatment for three days. Subsequently, he was examined by the police during the course of the investigation.

16. The PW8- Veerakumar- who was examined as a mahazar witness, deposed that about four years ago he came to know that there had been a quarrel involving the family of one Alagar, an employee of the Electricity Board. On the next day of the occurrence, the police came to Kothari and obtained his signature on a document. He admitted his signature in the said document. The document has been marked as Ex.P3.

17. The PW9- Dr. Jayapandi- who was the Medical Officer who treated PW1, deposed that on 17.08.2022 at about 9.25 p.m., one Namitha was brought to the hospital with a history of assault by a known person using hands. She was admitted as an inpatient and complained of pain over the left side of her chest. A scan was taken, and no abnormality or internal injury was detected.



Based on the clinical examination and investigation, he opined that she had sustained only simple injuries. He thereafter issued the Accident Register cum Wound Certificate, which has been marked as Ex.P4.

18. The PW10- Pandi-The Investigating Officer deposed that on 18.08.2022, while he was on duty at the police station, he received information from the Government Hospital, Karaikudi, at about 11.00 a.m. He proceeded to the hospital, obtained the complaint from PW1, and registered a case in Crime No.79 of 2022 for the offences under Sections 294(b), 323 and 506(i) of the Indian Penal Code. The First Information Report has been marked as Ex.P5. He further deposed that thereafter he visited the place of occurrence, inspected the scene, examined the witnesses, and prepared the rough sketch, which has been marked as Ex.P6. During the course of the investigation, the accused obtained anticipatory bail from the Hon'ble Principal Sessions Court, Sivagangai. He also obtained the medical records relating to PW1. After completing the investigation and finding sufficient materials against the accused, he filed the final report before the court on 20.09.2022.

The point for consideration is answered as follows;-

19. The prosecution case, in brief, is that due to previous enmity arising out of a land dispute, on 17.08.2022 at about 6.45 p.m when PW1, the defacto complainant, and her husband (PW7) were standing in front of their house, the accused came there and abused them in filthy language. It is alleged that the



accused was aggrieved because PW1's father-in-law had intervened in the land dispute. When the PW7 questioned the conduct of the accused, the accused again abused him in filthy language. Thereafter, the accused pushed the PW1 to the ground and assaulted her with her hands on the left side of her chest, causing simple injuries. Due to the fall, the PW1 also sustained injuries on her left wrist. It is further alleged that the accused criminally intimidated PW1 and PW7 by threatening them with dire consequences.

20. To establish the above allegations, the prosecution examined PW1 to PW10 and marked Ex.P1 to Ex.P6.

21. The PW1, who is the injured witness and the defacto complainant, has deposed that on 17.08.2022, when she and her husband were standing in front of their house, the accused came there, abused them in filthy language, pushed her to the ground and assaulted her with hands. According to her, she sustained pain and swelling over her chest and forearm and was thereafter admitted to the hospital. Her evidence regarding the occurrence has remained consistent and there is nothing substantial brought out in her cross examination to discredit her testimony.

22. The PW2, who was examined as an eye witness, has also supported the prosecution case. He has stated that after hearing the commotion, he came outside and witnessed the accused assaulting PW1 by pulling and beating her



on the chest, causing her to fall down. His evidence corroborates the testimony of PW1 with regard to the occurrence and the assault committed by the accused.

23. The PW3, who is the observation mahazar witness, has supported the prosecution by identifying his signature in the observation mahazar. Though his evidence is formal in nature, it supports the investigation conducted by the police.

24. The PW4, who was examined as an eye witness, has turned hostile and has not supported the prosecution case. However, merely because one witness has turned hostile, the entire prosecution case cannot be rejected when there is other reliable evidence available on record.

25. The PW5, though examined as a hearsay witness and treated as hostile, has admitted that there was a quarrel between the parties and that PW1 sustained injuries in the occurrence. Though he has spoken about the place of injury differently, it is well settled that the entire evidence of a hostile witness need not be rejected in toto. The portion of his evidence which supports the prosecution can very well be relied upon.



26. The PW6, who was examined as a hearsay witness, has not supported the prosecution case and his evidence does not materially assist either side.

27. The PW7, who is the husband of PW1 and an eye witness to the occurrence, has categorically deposed that on the date of occurrence the accused came to their house, abused them in filthy language and assaulted his wife, resulting in injuries to her chest. His evidence substantially corroborates the testimony of PW1 regarding the occurrence.

28. The PW8, another mahazar witness, has also supported the prosecution by admitting his signature in the relevant document prepared during the investigation.

29. The PW9, the Medical Officer, has deposed that PW1 came to the hospital with a history of assault and complained of pain over her chest. Though the scan did not reveal any internal injury, he has categorically opined that PW1 sustained simple injuries and accordingly issued the Ex.P4, the Accident Register cum Wound Certificate. His evidence lends medical support to the ocular evidence of PW1 regarding the assault.

30. The PW10, the Investigating Officer, has spoken about the registration of the FIR, preparation of the observation mahazar and rough



sketch, examination of witnesses, collection of medical records and filing of the final report after completion of investigation. Nothing has been elicited in his cross-examination to discredit the investigation.

31. The learned counsel for the accused mainly contended that there was a long standing civil dispute between the parties and therefore a false case has been foisted against the accused. This court is unable to accept the said contention. Mere existence of previous civil dispute cannot by itself be a ground to reject the prosecution case, particularly when the injured witness has consistently spoken about the occurrence and her evidence is corroborated by PW2, PW7 and the medical evidence of PW9.

32. The learned counsel further pointed out that in the complaint as well as in the medical records, PW1 had stated that she sustained pain on the left side of her chest, whereas during her deposition before the court she stated that the injury was on the right side. In the opinion of this court, the said discrepancy is only a minor one. The occurrence took place in the year 2022, whereas PW1 was examined before this court only in the year 2026. Since the injury is not of a serious nature, it is quite natural that after the lapse of several years, the witness may not correctly remember the exact side of the body where the pain was felt. Such a minor discrepancy does not go to the root of the prosecution case and cannot be treated as fatal.



33. The learned counsel also argued that since the medical scan did not reveal any injury, the offence under Section 323 IPC is not attracted. This contention also deserves to be rejected. The Hon'ble Supreme Court in *Lakshman Singh v. State of Bihar*, reported in (2021) SCC 191, has categorically held in paragraph No.8 as follows:-

“ It may be that there might not be any serious injuries and/or visible injuries, the hospital might not have issued the injury report. However, production of an injury report for the offence under Section 323 IPC is not a sine qua non for establishing the case for the offence under Section 323 IPC. Section 323 IPC is a punishable section for voluntarily causing hurt. “Hurt” is defined under Section 319 IPC. As per Section 319 IPC, whoever causes bodily pain, disease or infirmity to any person is said to cause “hurt”. Therefore, even causing bodily pain can be said to be causing “hurt”. Therefore, in the facts and circumstances of the case, no error has been committed by the courts below for convicting the accused under Section 323 IPC.”

Applying the said dictum of the Hon'ble Apex Court, in the present case, PW1 has consistently stated that she suffered pain due to the assault, and the doctor has also issued a Ex.P4 that she sustained simple injuries. Therefore, the absence of visible injury in the scan report does not demolish the prosecution case.



34. The learned counsel further contended that no independent public witness has been examined. This court finds no merit in the said contention. The conviction can be based on the testimony of an injured witness if it is found to be trustworthy. In the present case, the evidence of PW1 is natural, consistent and inspires confidence. Her testimony is also corroborated by PW2, PW7 and PW9. Hence, merely because more independent witnesses have not been examined, the prosecution case cannot be rejected.

35. Accordingly, this court is satisfied that the prosecution has proved beyond reasonable doubt that the accused voluntarily caused simple hurt to PW1. Therefore, the offence punishable under Section 323 IPC stands proved.

36. However, with regard to the offence under Section 294(b) IPC, though PW1 and PW7 have spoken about the accused using filthy language, the prosecution has failed to establish that the alleged utterances caused annoyance to any member of the public. No independent public witness has deposed that the obscene words caused annoyance to them. Hence, the essential ingredients of Section 294(b) IPC are not proved.

37. Likewise, with regard to the offence under Section 506(i) IPC, the prosecution has not established that the alleged threat created real alarm in the minds of PW1 or PW7. Mere utterance of threatening words during a quarrel is not sufficient to constitute the offence of criminal intimidation unless the



prosecution proves that the threat was real and intended to cause alarm. Such evidence is absent in the present case. Therefore, the accused is entitled to the benefit of doubt in respect of the offences under Sections 294(b) and 506(i) IPC.

38. This court has also considered whether the benefit of the Probation of Offenders Act can be extended to the accused. Having regard to the nature of the occurrence, the relationship between the parties and the manner in which the offence was committed, this court is not inclined to extend the benefit of probation.

39. When questioned regarding the sentence, the accused stated that she had not committed any offence and prayed for leniency on the ground that she has no previous criminal antecedents and that she is the sole breadwinner of her family. These circumstances are taken as mitigating factors while determining the quantum of sentence.

40. **In the result, the accused is convicted under Section 255(2) Cr.P.C. for the offence punishable under Section 323 IPC and is sentenced to undergo Simple Imprisonment for a period of three months and to pay a fine of Rs.1,000/-, in default to undergo Simple Imprisonment for a further period one week. The accused is acquitted under Section 255(1) Cr.P.C. of the charges**



under Sections 294(b) and 506(i) IPC, as the prosecution has failed to prove the said offences beyond reasonable doubt.

41. The accused is informed that she has a statutory right to prefer an appeal against this judgment before the Hon'ble Sessions Court, Sivagangai, within the period prescribed under law.

42. 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 08th day of July, 2026.

Judicial Magistrate,
Karaikudi.

Chart for Prosecution side witnesses:		
PW.No	Name of Witness	Description
1	Mrs. Namitha	Complainant
2	Mr. Pandi Selvam	Eye witness
3	Mr. Ramesh Kumar	Mahazar witness
4	Mrs. Anna Poorani	Eye witness
5	Mr. Krishnan	Hearsay witness
6	Mr. Muthu	Hearsay witness
7	Mr. Aadhinayagan	Eye witness



8	Mr. Veerakkumar	Mahazar witness
9	Dr. Jeyapandi	Doctor witness
10	Mr. Pandi	Investigation Officer
Defence Side Witness – NIL		
Chart for Exhibited Documents		
Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Observation Mahazar	PW3
3	Signature of the PW8 in Observation Mahazar	PW8
4	Accident Register with wound certificate	PW9
5	First Information Report	PW10
6	Rough Sketch	PW10
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 : 08.07.2026.
4. Copy to Hon'ble Chief Judicial Magistrate, Sivagangai.