

IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE
[FAST TRACK COURT], THENI.

PRESENT : Tmt. G. SREE DEVI, B.A., L.L.M

Additional District and Sessions Judge (Fast Track Court), Theni,

Thursday, 02nd day of July 2026

Sessions Case No. 49/2025

(C.N.R. No.TNTH010013692025)

(Crime No.477/2024, Palanichettipatti Police Station)

(P.R.C.No.8/2025 of the Additional Mahila Court, (JM Level), Theni)

Name of the accused	:	Jeyapal S/o Vellaisamy
Charges levelled against the accused	:	Charge against accused :- under Sections 296(b), 118(1), 118(2), 109(1), 125, 351(3) BNS & 4 of TNPHW Act
Plea of the accused	:	Not guilty
Findings of the court	:	Guilty

Judgment : In the result, the accused person is directed to undergo, (i) simple imprisonment for one month for the offence u/s 296(b) of the BNS, (ii) to undergo simple imprisonment for three years and to pay fine of Rs.2,000/- in default to undergo simple imprisonment for 3 months for the offence u/s 118(2) of the BNS, (iii) One year simple imprisonment for the offence u/s 125 of the BNS, (iv) Rigorous imprisonment for 5 years and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months for the offence u/s 109(1) of the BNS. (v) Simple imprisonment for one year for the offence u/s 351(3) of the BNS. The imprisonment imposed for the offence under the BNS is ordered

to run concurrently. The remand period already undergone by the accused is ordered to be set off u/s 468 BNSS. In R.P.R.18/25 the Material Object produced by the prosecution in this case, M.O.1 to M.O.4 are ordered to be destroyed, after the appeal time or after disposal of the appeal, if any, whichever is earlier.

This Sessions Case was coming upon 19.06.2026, for final hearing before me in the presence of Thiru.P. Sugumaran, Additional Public Prosecutor for this District on behalf of the State and Thiru.M.Manoj, Advocate for the accused person and upon hearing both sides arguments, perusing the evidence, documents, the case having stood over for consideration till this date, this Court delivered the following:

J U D G M E N T

The prosecution case is that the defacto complainant, Vasantha and the accused Jayapal, at Kattabomman Street, Sadaiyalpatti, S.Vadipatti. That on 11.02.2023, while Vasantha was heating water using firewood in front of her house, the accused came there and objected that smoke was entering his house and that the stove should not be placed near the wall of his house. In connection with the quarrel, Vasantha's husband lodged a complaint before the Palanichettipatti Police Station, and registered in Crime No. 74/2023 against the accused for offences punishable under Sections 294(b), 323, 341, 506(i) IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. The

accused, Jayapal, was arrested and remanded to judicial custody in the said case. It is further stated that after being released on bail, the accused frequently picked quarrels with Vasantha's family members, and therefore prior enmity existed between Vasantha and the accused.

2. It is further case that on 30.11.2024, at about 7.15 a.m., Vasantha's daughter's son (grandson), Gopinath, was playing with his mobile phone in front of the defacto complainants house, situated at Kattabomman Street, Sadaiyalpatti. At that time, the accused, Jayapal, approached him, asked for the mobile phone, snatched the phone, and failed to return it. Gopinath informed Vasantha about the incident. Thereafter, at about 7.30 a.m., Vasantha took Gopinath with her and went near the accused's house and questioned him, asked him to return the mobile phone and he had not returned it. The accused replied harshly and threw the phone the accused, in a public place, allegedly abused her in filthy language. He then allegedly picked up a stone lying nearby and threw it at Vasantha, causing a bleeding injury with swelling below her right wrist.

3. Vasantha's husband raised an alarm and attempted to intervene. On seeing him, the accused ran into his house, brought out a knife, and abused Vasantha's husband in obscene language. He further threatened him by saying, "Only if you remain alive can you come here and create problems with me. Die right now," and stabbed him repeatedly with the knife on the left side of his

chest and the left side of his ribs, thereby causing a grievous injury. Further when the eyewitnesses present at the scene attempted to apprehend the accused, he criminally intimidated them by threatening that if anyone tried to catch him, he would stab and kill them as well.

4. On the basis of the above complaint, the Inspector of Police, Palanichettipatti Police Station, filed the Final Report/Charge Sheet under Sections 296(b), 118(1), 125, 109(1), 351(3), 118(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

5. On the final report being taken cognizance by the learned Additional Mahila Court, (JM Level), Theni as P.R.C.No.8/2025 was pleased to question the accused person with regard to his means to engage counsel of his choice. After ascertaining the same and after furnishing the free copies of the police records as contemplated under Section 230 of the BNS. The learned Additional Mahila Judge, (JM Level), Theni was pleased to commit the case to the Principal District Court, Theni, since the case is exclusively triable by the Court of Sessions. Thereafter, on appearance of the accused before the Principal District Court, Theni, the case was taken on file as S.C.No.49/2025 and was pleased to made over the case to this court for disposal. On appearance of the accused this court had framed charges against the accused person under Sections 296(b),

118(1), 125, 109(1), 351(3), 118(2) BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act.

6. When the accused person was questioned with regard to the charges, he denied the same and claimed to be tried.

7. On the side of the prosecution, PW1 to PW11 were examined. Ex.P1 to Ex.P19 were marked and M.O.1 to M.O.4 were marked.

8. The case of the prosecution in brief is as follows :-

P.W.1, Vasantha, deposed that on 30.11.2024, at about 7.30 a.m., while she was at her residence at Sadaiyalpatti, her grandson, Gopinath, came to her and informed her that the accused had snatched his mobile phone. When she questioned the accused regarding the same, he abused her in filthy language, threw the mobile phone on the ground, and picked up a stone and threw it at her, causing injuries on her right hand. She further deposed that when her husband, Pandi, came running to question, the accused abused him by using unparliamentary words, The accused then took out a knife from his house, caught hold of Pandi by his neck, and repeatedly stabbed him on the left side of his chest and the left side of his ribs. Thereafter, the villagers took both of them to the hospital. While she was undergoing treatment, she gave a complaint which was written by her daughter and signed by her, which was marked as Ex.P1. She

identified the knife as M.O.1 and the blood-stained white baniyan **piece** as M.O.2.

9. P.W.2, Nagalakshmi, deposed that P.W.1 is her mother and the injured Pandi is her father. On 30.11.2024, while she was at Dindigul, her son Gopinath telephoned and informed her that the accused had assaulted her parents. She immediately went to the hospital, where she found that her mother had a bandage on her right hand and that her father was unconscious in the emergency ward. Her father had injury on his left chest. She further stated that her mother narrated the occurrence and she wrote the complaint, which was signed by her mother and she signed as a witness in Ex.P2, and identified her signature therein.

10. P.W.3, Gopinath, deposed that on 30.11.2024, at about 7.30 a.m., while he was at his grandmother's house, the accused snatched his grandfather's Vivo mobile phone from him. He informed his grandmother about the incident. When his grandmother questioned the accused and demanded the return of the mobile phone, the accused threw the phone on the ground, abused her in filthy language, and threw a stone at her. She sustained injury on her left wrist. Upon hearing her cries, his grandfather questioned the accused as to why he had thrown the stone, the accused abused him in obscene language, caught hold of his neck, and stabbed him with a knife on the left side of his chest and the left side of his ribs. Thereafter, the villagers took his grandparents to the hospital,

and he informed his parents over the phone, following which they came to the hospital.

11. P.W.4, Thangavel, deposed that he signed the Observation Mahazar prepared by the police in the scene of occurrence, which was marked as Ex.P3. He further stated that the police seized blood-stained earth (M.O.3) and sample earth without bloodstains (M.O.4) from the place of occurrence.

12. P.W.5, Karthikeyan, deposed that on 30.11.2024, at about 7.30 a.m., while he and Bommaiyaamy were standing nearby, Pandis', Pandis' daughters' son was playing with a mobile phone. The accused demanded the mobile phone and forcibly snatched it from him. Gopinath informed his grandmother, who came and demanded the return of the phone. The accused abused her in filthy language, threw the mobile phone on the ground, and hurled a stone at her. She sustained injury on her right hand. On hearing the commotion, Pandi came to the spot, whereupon the accused took out a knife from his house and stabbed him on the left side of his chest and the left side of his ribs. He and Bommaiyaamy sent the injured persons to the hospital in 108 ambulance.

13. P.W.6, Bommaiyaamy, deposed that on 30.11.2024, at about 7.30 a.m., while he and Karthikeyan were standing nearby, Pandis' house, Gopinath, the daughter's son of Pandi, was playing with a mobile phone. The accused demanded the phone and snatched it from him. Gopinath informed his grandmother, who questioned the accused. The accused abused her in filthy

language and threw the mobile phone on the ground, and threw a stone at her and she sustained injury on her right hand. When Pandi arrived and questioned the accused as to why he was creating trouble, the accused replied that only if Pandi remained alive he could come to fight with him, abused him in obscene language, took a knife from his house and stabbed him with a knife on the left side of his chest and the left side of his ribs. Thereafter, he and Karthikeyan sent the injured persons to the hospital.

14. P.W.7, Durairaj, deposed that on 30.11.2024, at about 3.30 p.m., while he and one Ramaraj were standing near the Kattabomman Statue, the police brought the accused there, interrogated him, and recorded his confession statement. He stated that he signed as the second attesting witness to the confession statement, which was marked as Ex.P4. Pursuant to the disclosure made by the accused, the police recovered a knife hidden under the banana trees under an Attatchi, and he identified his second signature in the said Attatchi, marked as Ex.P5.

15. PW8, Manimaran, deposed that on 30.11.2024, at about 9.30 a.m., while he was in charge of the police station, he received intimation from the Government Hospital at K.Vilakku. He proceeded to the hospital, examined the injured Vasantha, received the complaint from her, Pandi was in the intensive care unit, returned to the police station, and registered the First Information

Report, which was marked as Ex.P6. Thereafter, he handed over the case for further investigation to the Inspector of Police.

16. PW9, Ramalakshmi, deposed that on 30.11.2024, while she was in charge of the investigation, she took up the case for further investigation after registration of FIR by PW8. She visited the scene of occurrence and, in the presence of witnesses, prepared the Observation Mahazar (Ex.P7) and Rough Sketch (Ex.P8). She examined the witnesses and recorded their statements. She seized blood-stained earth and sample earth from the place of occurrence under the Attatchi, marked as Ex.P9. Thereafter, she visited the hospital, examined the injured Pandi and Vasantha, and recorded their statements. She seized a white baniyan piece worn by the injured Pandi at the time of occurrence bit under Form-91. She subsequently arrested the accused, recorded his confession statement, and recovered the knife pursuant to the confession under a Attatchi, marked as Ex.P10. The admissible portion of the confession statement was marked as Ex.P11, while the Form-91 were marked as Ex.P12, Ex.P13, and Ex.P14, respectively. She produced the accused and the seized material objects before the Court and thereafter handed over the case records to the Inspector of Police, Palanichettipatti Police Station.

17. P.W.10, Dr. Sugandhi, deposed that on 30.11.2024, while she was on duty, Pandi was brought to the hospital by his wife, Vasantha, for treatment. She examined and treated him and issued the Accident Register, which was marked

as Ex.P15. Based on the opinion of the General Surgeon, she certified that the injuries sustained by Pandi were grievous in nature and issued the Wound Certificate/Medical Opinion, marked as Ex.P16. She also treated Vasantha and issued her Accident Register, which was marked as Ex.P17.

18. P.W.11, Perumal, deposed that on 10.01.2025, while he was on duty, he took up the case for further investigation. He examined the doctor who had treated the injured witnesses and recorded the doctor's statement. Since the injuries were found to be grievous, he altered the penal provisions accordingly and prepared the Alteration Report, marked as Ex.P18. He further deposed that the accused had previously been convicted and sentenced to life imprisonment in S.C. No.71 of 2018, and the certified copy of the judgment was marked as Ex.P19. He also stated that the accused was a habitual offender involved in similar offences and, after completing the investigation, filed the final report/charge sheet against the accused.

19. When the accused person is questioned with regard to the incriminating circumstances made out against him in the evidence of the prosecution witness, the same were denied by the accused person in specific and claimed that a false case has been foisted against him. In short, the accused person pleaded innocence and denied his complicity. However, no witnesses were examined on the side of the defence.

20. The point for consideration is :-

Whether the prosecution had proved the charges against the accused beyond reasonable doubt and whether the accused are liable to be convicted for the offences charged?

21. The learned Public Prosecutor contended that the prosecution has proved the case against the accused and relied upon the evidence of prosecution witnesses 1 to 11. There was recovery in this case and hence, the Public Prosecutor prays for conviction of the accused person.

22. On the other hand, the Learned Legal Aid Defence Advocate vehemently argued that there was a previous enmity between the accused and the PW1 family with regard to the emission of smoke from the firewood from the defacto complainant house and on account of which the false case was foisted against the accused. He is innocent and he is in incarceration from the date of arrest and submitted that there are several contradictions in the testimony of the witnesses. The police had acted against the accused from the beginning for the reason that the accused was involved in other cases. The entire investigation was conducted in a prejudicial manner. There was no motive as alleged by the defacto complainant that the accused snatched the PW3's mobile phone and quarreled with them and assaulted them. The lodging of the complaint, the preparation of the Observation Mahazar happened with the

discussions and instructions from the defacto complainant. The arrest of the accused cannot be termed as an arrest at all. He submitted that the benefit of doubt should be given to the accused and prays to acquit the accused.

23. The case involves the accused charged with multiple charges for the offences u/s 296(b), 118(1), 125, 109(1), 351(3), 118(2) of BNS and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. One of the injured/ victim is the PW1/the defcato complainant Vasantha and her husband Pandi. The said Pandi died pending the proceedings. The defacto complainant narrated the occurrence took place on 30.11.2024 near the accused house, in consonance with the prosecution theory. She categorically deposed, how she was attacked by the accused with the stone. That she had sustained injury on her right hand and was treated at the Government Theni Medical College hospital, by PW10. She further deposed about the assault by the accused on her husband with the knife and that he sustained stab injury on his right chest and right ribs, that she lodged the complaint immediately on the day of occurrence itself.

24. The evidence of PW1 is supported by the evidence of PW2, the daughter of the PW1, she came to the hospital on information from her son PW2 on 30.11.2024. She met PW1 in the Government Theni Medical College Hospital, who narrated the incident and under her instruction and as narrated by PW1, she wrote the complaint. She signed as a witness in the complaint. PW1

and PW2 were suggested in the cross examination that the complaint was written by the police in the hospital, for which the reply was a categorical no, from them. PW2 further deposed about her fathers' injury on his chest. Even though, she is a hear say witness, her testimony may not be brushed aside as she wrote the complaint narrated by her mother PW1 and came to the hospital by 9.30 am and above all these things are closely connected to the incident took place within 2 hours before.

25. The testimony of PW3, a child witness aged about 14 years. The court conducted the voir dire test and he was able to under the proceedings of the court. He is the main witness to the crime, as accused snatched his mobile phone and the subsequent incident happened. He testimony before the court is categorical about the whole occurrence and how his grand-mother and grand-father were assaulted by the accused with stone and knife. He informed his mother and took the victims PW1 and Pandi to the hospital for treatment. He was suggested in the cross examination that the complaint was written by the police, for which he replied that the complaint was written his mother PW2, according to the instructions of PW1.

26. To further support the prosecution case the PW5 and PW6 eye witnesses to the crime were examined. He also supported the prosecution case by deposing that when they were near Pandis' house the accused grabbed the

PW2s' phone, when PW1 confronted she was hurled with stone and that when Pandi came he abused in filthy language, brought the knife from his house and attacked the Pandi on his chest, that he sustained injury on his chest.

27. PW5 and PW6 also the eye witnesses to the occurrence narrated the scene of crime and that they sent the victims in the ambulance. They identified the accused. They were suggested in the cross examination with regard to the dispute, between the accused and the victims' family for the emission of smoke from the defacto complaints' house and that to wreak vengeance, this case is foisted. For which the witnesses denied the suggestion and his evidence is wholly reliable.

28. Further the Observation Mahazar witness PW4, supported the prosecution case by speaking about the preparation of the mahazar and the sketch in the crime scene.

29. PW10 Dr Suganthi who treated the PW1 and the Pandi deposed in support of the prosecution and the treatment given by her to Pandi and PW1. The injuries sustained by Pandi as testified by PW-10 is

- i) A stab injury measuring $4 \times 2 \times 2.5$ cm over the left side of the chest.
- ii) A lacerated wound measuring $2 \times 1 \times 1$ cm over the left lower rib (costal) region.

iii) An injury measuring 2×0.5 cm over the left loin region (lower left side of the abdomen/back).

She marked the accident register as Ex.P15 and the wound certificate as Ex.P16. The doctor opined that it was LEFT HEMOPNEUMON THORAX injury for Pandi and hence opined that the injury sustained was grievous in nature for the injured Pandi. Further she treated PW1, and her injury was 4 x 2 cm abrasion wound on right hand with pain. She was treated and as the injured was not willing for admission and treatment. Hence, she was unable to give the final opinion for PW1 Vasantha. She deposed in cross- examination that in Ex P15 Accident Register, it is described as a stab injury and she admitted to the said question. It was further suggested with regard, that the knife used to cut tender coconut could have caused the injury to Pandi, she denied and fervently stated that any shape edged knife would cause the stab injury.

30. Further the witness to the confession and the recovery PW7 identified the accused, stated that he confessed to the discovery of the material facts. He was present when the accused identified and produced the knife recovered by the Investigation officer PW9. He also spoke in support of the prosecution case and no material contradiction elicited from the PW7 during cross-examination by the defence side.

31. The Investigation Officers PW8 Sub-Inspector of Police who registered the FIR, marked the FIR Ex.P6. He was suggested by the defence side that the statement was recorded by him in the Government Theni Medical College Hospital, for which the witness denied the said suggestion and fervently stated that the complaint was written by PW2 under the instruction of the PW1 independently.

32. P.W.9, Investigation Officer- Ramalakshmi, deposed that on 30.11.2024, while she was in charge of the station, she took up the case for further investigation after registration of FIR by PW8. She visited the scene of occurrence and, in the presence of witnesses, prepared the Observation Mahazar (Ex.P7) and Rough Sketch (Ex.P8). She examined the witnesses and recorded their statements. She seized blood-stained earth and sample earth from the place of occurrence under the Attatchi, marked as Ex.P9. Thereafter, she visited the hospital, examined the injured Pandi and Vasantha, and recorded their statements. She seized a white baniyan (cut piece taken by the Doctor) worn by the injured Pandi at the time of occurrence under Form-91 . She subsequently arrested the accused, recorded his confession statement, and recovered the knife pursuant to the confession under an Attatchi, marked as Ex.P10. The admissible portion of the confession statement was marked as Ex.P11, while the Form-91 were marked as Ex.P12, Ex.P13, and Ex.P14, respectively. She produced the

accused and the seized material objects before the Court and thereafter handed over the case records to the Inspector of Police, Palanichettipatti Police Station.

33. PW11, Perumal, deposed that on 10.01.2025, while he was on duty, he took up the case for further investigation. He examined the Doctor who had treated the injured witnesses and recorded the doctor's statement. Since the injuries were found to be grievous, he altered the penal provisions accordingly and prepared the Alteration Report, marked as Ex.P18 and filed the final report.

34. The defence suggested to PW1, PW3, the eye witnesses to the incident about the prior enmity for the emission of the smoke from Pandis' house which caused the complainant to give false case. The witnesses denied to the defence version and stated to the occurrence without any contradiction to the prosecution version. In spite, of the sustained cross examination by the defence, that false case was foisted against the accused for questioning the Victim family for the emission of the smoke from Pandis' house, no fact could be elicited by the defence in favour of the defence. The defence theory could not be established by the defence during cross examination. PW1, PW3 categorically deposed evidence to the effect about the incident. Further PW5 and PW6 also deposed in support of the prosecution case and nothing elicited in favour of the defence. The evidences of PW5 and PW6 who are also the witnesses to the occurrence deposed corroborating to the PW1 and PW3, who presence in the scene of crime

could not be suspected and they have given satisfactory evidence that the accused assaulted the PW1 with stone and Pandi with knife. Here, previous enmity was the cause for filing this false case as claimed by the defence is rejected, because, the same is the cause for the criminal acts of the accused under which he is charged herein and the same is substantiated by the injured as well as the neighbours who had witnessed the incident by their categorical deposition. In the said circumstances, the theory of previous enmity made by the defacto complainant to file false case is rejected as it is devoid of merits.

35. The suggestion put to the witness PW5 and PW6, that they were in the scene of crime could not be suspected by his court, as no fact as stated by the defence could be elicited from the witness. The witnesses have deposed cogent evidence with respect to their presence in the scene of crime and no doubtful circumstances could be pointed out by the defence to suspect the presence of the witnesses in the scene of crime .

36. From the evidence of the witnesses, it reveals that the accused on the date of occurrence came to PW3 picked up quarrel, grabbed his mobile phone, when confronted by PW1 , she was attacked with stone, when Pandi came for rescue, he was assaulted with the deadly weapon knife, brought by the accused from his house. Further the witnesses are neighbours and are from the same area. Their evidence inspires confidence as they have narrated the scene of crime

in the actual manner what they have witnessed, the overtact attributed to the accused was deposed.

37. The evidence of the injured witnesses is of great evidentiary value and unless and until compelling reasons exist, their testimony before the court cannot be discarded. The evidence of injured witnesses with minor contradictions without exaggeration, or embellishment cannot be discarded in toto. In the present cases, the injured was immediately taken to the Government Theni Medical College Hospital and she reported the occurrence immediately. The FIR was registered on the same day without any delay. Hence, the assault of the victim Pandi with the deadly weapon knife by the accused, with the knowledge and intention that the stab wound on the chest would cause the death of the victim is proved by the prosecution.

38. With regard to the victim Pandi, he died pending the proceeding. It was suggested by the defence that he died of heart problem, which was denied by the witnesses and that he was treated for the grievous injury on the chest caused by the accused. The evidence supporting the prosecution version of attempt to murder the Victim Pandi inspires confidence of the court as it is reliable and without contradictions.

39. For the offence of attempt to murder it is essential the accused should have the motive, intention and knowledge that the injury could cause the death of the victim. The prosecution has clearly established the guilt of the accused,

the motive and intention of the accused to assault with the knowledge and intention to commit murder. Motive attributed for the offence of attempt to murder and the overt act attributed is in favour of the prosecution. On a cumulative consideration of the evidences adduced by the witnesses and reading the deposition in between the lines, this court considers that the prosecution has satisfactorily proved the case against the accused for the offence u/s 296(b), 118(2), 109(1), 125, 351(3) of the BNS.

40. Further, when the accused was questioned u/s 351(1) (b) of the BNSS, he made a feeble statement, that he attacked the victims as a self- defence, it is pertinent to note, that the accused has admitted that he has attack the victims. However, no such defense theory was made to none of the eye witnesses, namely PW1, PW3, PW5 and PW6, or even to the Investigation Officers in the cross examination suggesting that the accused attacked the victim as a self- defence. Hence, the same cannot be considered by this court. Further, the accused stated that the Pandi died of heart problem and that false case has been foisted against him. The prosecution has charged the accused only for the offence of attempt to murder and it is not in the case of the prosecution that the Pandi died due to the injuries sustained by him on account of the assault/attack by the accused.

41. It is pertinent to note, that there are 2 victims in this case. PW1 was abused in filthy language and attacked with stone, she took treatment at the

Government Theni Medical College Hospital. However, the opinion for a medico legal case was not filed by the prosecution for her treatment. Further the stone which was used for assaulting the PW1 was not recovered. Even further, the PW1 not stated about the exact filthy words used by the accused to her and that she was annoyed/insulted in the pubic by the act of the accused. The prosecution failed to prove the charges against the accused for the offence u/s Section 118(1) BNS and Section 4 of the Tamil Nadu Prevention of Harassment of Women Act. The benefit of doubt is given and the accused is acquitted for the above charges.

42. Further, the accused is convicted for the offences u/s 302 (2 counts), 429 (4 counts), 436, 332 (2 counts) IPC and is under incarceration in SC.No. 71 of 2018. The Judgment in SC.No.71 of 2018 was produced by the I.O. PW11 and marked as Ex.P19. The prosecution submitted that the accused murdered his own brother and mother in the said case under the consumption of alcohol and drugs and that he is indulging in such type of offences and prayed to convict the accused u/s 109(2) of the BNS. On going through the Ex.P19, the conviction was not prior to the date of incident on this case, but during the continuation of this trial the accused in this case was convicted for the offence U/s 302 of the IPC, therefore the prayer for conviction of the accused U/s 109(2) of the BNS is declined.

43. The accused person was heard with regard to question of sentence, he pleaded innocence and prays for leniency.

44. In the result, the accused person is directed to undergo,

(i) simple imprisonment for one month for the offence u/s 296(b) of the BNS,

(ii) to undergo simple imprisonment for three years and to pay fine of Rs.2,000/- in default to undergo simple imprisonment for 3 months for the offence u/s 118(2) of the BNS,

(iii) One year simple imprisonment for the offence u/s 125 of the BNS,

(iv) Rigorous imprisonment for 5 years and to pay fine of Rs.5,000/- in default to undergo simple imprisonment for 3 months for the offence u/s 109(1) of the BNS.

(v) Simple imprisonment for one year for the offence u/s 351(3) of the BNS.

The imprisonment imposed for the offence under the BNS is ordered to run concurrently. The remand period already undergone by the accused is ordered to be set off u/s 468 BNSS.

In R.P.R.18/25 the Material Object produced by the prosecution in this case, M.O.1 to M.O.4 are ordered to be destroyed, after the appeal time or after disposal of the appeal, if any, whichever is earlier.

Dictated to the Steno-Typist and typed by her in computer directly and after correction, pronounced by me in open court on this 2nd day of July, 2026.

Additional Sessions Judge,
Theni.

List of witnesses examined on the side of prosecution :-

PW1	...	Vasanth
PW2	...	Nagalakshmi
PW3	...	Gopinath
PW4	...	Thangavel
PW5	...	Karthikeyan
PW6	...	Bommaiyasamy
PW7	...	Durairaj
PW8	...	Manimaran
PW9	...	Ramalakshmi
PW10	...	Dr.Suganthi
PW11	...	Perumal

List of documents marked on the side of prosecution :-

Ex.P1	...	Complaint
Ex.P2	...	Signature of the PW2 in Complaint
Ex.P3	...	Signature of the PW4 in observation mahazar
Ex.P4	...	Signature of the PW7 in Confession statement
Ex.P5	...	Signature of the PW7 in Athatchi
Ex.P6	...	FIR
Ex.P7	...	Observation mahazar
Ex.P8	...	Sketch
Ex.P9	...	Athatchi
Ex.P10	...	Athatchi
Ex.P11	...	Admitted portion of the Confession statement
Ex.P12	...	Form 91
Ex.P13	...	Form 91

Ex.P14	...	Form 91
Ex.P15	...	Accident Register
Ex.P16	...	Medical legal opinion
Ex.P17	...	Accident Register
Ex.P18	...	Alteration report
Ex.P19	...	Principal District court, Theni SC.No.71/18 Judgment copy

List of material object marked on the side of prosecution:-

M.O.1	...	Knife
M.O.2	...	Blood stained white baniyan (vest)
M.O.3	...	Blood stained sand
M.O.4	...	Non blood stained sand

**List of witnesses, documents and material objects on the side of the side
defence : - Nil -**

Additional Sessions Judge,
Theni.