



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,

Monday, 24th day of August 2026

Sessions Case No. 124/2024

(C.N.R. No.TNTH01-004183-2024)

(Crime No.493/2023, Bodi Town Police Station)

(P.R.C.No.7/2024 of the Judicial Magistrate Court, Bodinayakkanur)

Name of the accused	:	1. Tamilan @ Elanthamilan S/o Duraisamy 2. Alagusingam S/o Balaguru @ Narayanan 3. Mani @ Manikandan S/o Subramani
Charges levelled against the accused	:	Charge against accused :- under Sections 294(b), 307 r/w 34 IPC
Plea of the accused	:	Not guilty
Findings of the court	:	Not guilty

Judgment : In the result, the prosecution had failed to prove the charge against A1 u/s 294(b), 307 IPC and A2, A3 u/s 294(b), 307 r/w 34 IPC and the accused are acquitted under Section 235(1) of the Cr.P.C. The Material Object produced by the prosecution in this case, in RPR.No. 6/25, M.O.1 One Sickle (Aruval), (approximately 50 cm in total length, consisting of a 36.5 cm iron portion bearing blood stains, bent at the front and having a sharp edge on one side, a 10.5 cm designed wooden handle, a 2 cm long iron ferrule at the front, and a 1 cm long iron ferrule at the rear), M.O.3 un-stained tiles, M.O.4 Blood stained tiles and M.O.5 blood stained shirt are ordered to be destroyed, after the appeal



time or after disposal of the appeal, if any, whichever is earlier. M.O.2 One HONDA SHINE motorcycle bearing Registration No. TN 59 AS 6203 (in the police station custody) shall be handed over to the owner after the appeal time is over. The Bail bonds if any shall stand cancelled.

This Sessions Case was coming upon 01.06.2026, for final hearing before me in the presence of Thiru.P.Selvan,, Additional Public Prosecutor for this District on behalf of the State and Thiru.S.Ravichandran, 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 defacto complainant in this case is the victim, the Inspector of Police, Bodinayakanur Town Police Station, has filed the final report alleging that, due to a family dispute between the plaintiff and his wife Yogamalar, the first accused intervened, as a result of which the plaintiff pushed the first accused down. Considering the same as an insult, the first accused allegedly developed an intention to murder the plaintiff. With the common intention that accused Nos.1 to 3 should act together and that accused Nos.2 and 3 should assist the first accused if anyone attempted to intervene while he was attacking the plaintiff, on 16.10.2023, when the plaintiff was talking with Rajeshkumar, the



owner of Annamalai Furniture Shop situated on the Bodi–Thevaram Road, the first accused, who had already brought a sickle in preparation, allegedly abused the plaintiff in filthy language and repeatedly cut the plaintiff with the sickle on his right shoulder and between the thumb and index finger of his right hand, thereby causing grievous injuries and attempting to murder him. It is further alleged that accused Nos.2 and 3 abetted the criminal act of the first accused. Accordingly, the final report has been filed against the first accused under Sections 294(b), 307 and 34 of the Indian Penal Code, and against accused Nos.2 and 3 under Section 34 r/w 307 of the IPC.

2. On the final report being taken cognizance by the learned Judicial Magistrate, Bodinayakkanur as P.R.C.No.7/2024 was pleased to question the accused persons with regard to his means to engage counsel of their choice. After ascertaining the same and after furnishing the free copies of the police records as contemplated under Section 207 of the Cr.P.C, The learned Judicial Magistrate 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.124/2024 and was pleased to made over the case to this court for disposal. On appearance of the accused this court had framed charges against A1 u/s 294(b), 307 IPC and A2, A3 u/s 294(b), 307 r/w 34 IPC.



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

4. On the side of the prosecution, PW1 to PW13 were examined. Ex.P1 to Ex.P20 were marked and M.O.1 to M.O.5 were marked on the side of the prosecution.

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

PW1 Murugesan, in his evidence, deposed that the first accused was residing on the eastern side of his house. He stated that when a quarrel arose between himself and his wife, the first accused came to intervene. At that time, he told the first accused not to interfere in his family dispute. From then onwards, the first accused used to stare at him whenever he saw him. He further deposed that on 16.10.2023 at about 11.00 a.m., he left his workshop and went to Annamalai Furniture Shop to receive money from Rajesh in respect of the work he had done. After receiving Rs.1,200/- from Rajesh, while he was returning, the first accused attacked him with an aruval and cut him on his right shoulder and in the space between the thumb and index finger of his right hand. He further stated that while he was undergoing treatment in the hospital, the police obtained his complaint statement, which was marked as Ex.P1, and that the aruval used for the assault was marked as M.O.1.



6. PW2 Yogamalar, in her evidence, deposed that PW1 is her husband. She stated that when a quarrel arose between herself and her husband, the first accused came to intervene in a drunken and staggering condition. When her husband told him not to interfere in their family dispute and pushed him aside, the first accused fell down. From that incident onwards, the first accused was angry with her husband. She further deposed that on 16.10.2023 at about 11.00 a.m., her friend telephoned her and informed her that her husband had sustained bleeding injuries on his hand and right shoulder. She went to the hospital and saw him. She also stated that she signed as a witness to the complaint statement given by her husband, which was marked as Ex.P2.

7. PW3 Rajeshkumar, in his evidence, deposed that on 16.10.2023 at about 11.00 a.m., while he was present in his shop, PW1 came to the shop to receive money in respect of the repair work done on his two-wheeler. While PW1 was talking to him, the first accused came there along with accused Nos.2 and 3 and attacked PW1 with an aruval, cutting him on his back and right hand. He stated that they intervened and separated them and thereafter sent PW1 to the hospital.

8. PW4 Ramavel, in his evidence, deposed that he was working as a salesman at Annamalaiyar Furniture Shop at Bodi. He stated that on 26.10.2023, while he was on duty, PW1 came to receive money for repairing the two-



wheeler belonging to their owner. At that time, the first accused cut PW1 on his shoulder and hand. They intervened, separated them and sent PW1 to the hospital.

9. PW5 Chinnasamy, in his evidence, deposed that when he and one Madhan had gone near Santhana Mariamman Temple at Subburaj Nagar to have tea, the police questioned the first accused and obtained a statement from him. He stated that both he and Madhan signed the said statement and that the second signature found therein was his. The admissible portion of the confession statement was marked as Ex.P3. Based on the said statement, they went to Meenakshipuram near Peraiyur, where an aruval found in the tank cover of a two-wheeler and the two-wheeler itself were seized under a mahazar. He stated that he and Madhan signed the mahazar and that the second signature therein was his. The mahazar was marked as Ex.P4, and the seized two-wheeler was marked as M.O.2.

10. PW6 Rajangam, in his evidence, deposed that while he was filling diesel at a petrol bunk situated on the Bodi–Devaaram Main Road, the police asked him merely to sign on a white sheet of paper. He stated that he only affixed his signature and, contrary to the prosecution case, turned hostile.



11. PW7 Mani, in his evidence, deposed that the police inspected the scene of occurrence and prepared an observation mahazar, in which he signed as a witness. The observation mahazar was marked as Ex.P5. He further stated that the police seized, under a mahazar, an unstained tile (M.O.3) and a blood-stained tile (M.O.4) from the scene of occurrence. The said mahazar was marked as Ex.P6.

12. PW8 Pandi, in his evidence, deposed that on 07.12.2023, while he was on duty, he went to the Forensic Science Laboratory at Madurai and handed over the properties seized in this case.

13. PW9 Rathinakumar, in his evidence, deposed that on 16.10.2023, while he was working in the computer section of Bodi Nagar Police Station, he was instructed to copy the CCTV footage recorded at the scene of occurrence onto an HP 8 GB pen drive and upload the same into the computer. When he opened the file, two videos were found to have been recorded. He examined the same and generated the hash value. He further stated that he issued a certificate under Section 65-B of the Indian Evidence Act, which was marked as Ex.P7.

14. PW10 Ashok, in his evidence, deposed that on 16.10.2023, while he was on duty, he obtained the complaint statement from PW1, who was



undergoing treatment in the hospital, and registered the case. The First Information Report was marked as Ex.P8.

15. PW11 Rajivkumar, in his evidence, deposed that on 16.10.2023, while he was on duty, PW1 came to him for treatment. After examining him, he gave his medical opinion that the injuries sustained by PW1 were grievous in nature. The said medical opinion was marked as Ex.P9.

16. PW12 Sushmitha Sri, in her evidence, deposed that on 16.10.2023, while she was on duty, PW1 came to her for treatment. After examining him, she referred him for further treatment. The Accident Register issued by her was marked as Ex.P10. Based on the opinion of the doctor who provided further treatment, she issued a certificate stating that the injuries sustained by PW1 were grievous in nature, which was marked as Ex.P11.

17. PW13 Ramalakshmi, in her evidence, deposed that on 16.10.2023, while she was on duty, she took up further investigation of the case and visited the scene of occurrence. In the presence of witnesses, she prepared the observation mahazar and sketch. She seized the blood-stained tiles and unstained tiles found at the scene of occurrence under a mahazar. She examined the witnesses individually and recorded their statements. She further stated that



the blood-stained shirt worn by PW1 at the time of the occurrence, which was produced from his house, was seized under Form-91.

18. She further deposed that she arrested the first accused and recorded his confession statement. Based on the disclosure made by the first accused, she took him to the garden house of one Anbukannan at Meenakshipuram near Kondayanpatti, Peraiyur, Virudhunagar District, where a motorcycle bearing Registration No. TN-59-AS-6203 was parked. From the tank cover of the said motorcycle, she recovered the sickle and the two-wheeler under a mahazar. Thereafter, she remanded the accused and the seized properties to judicial custody.

19. She further stated that she examined the doctors who treated the injured PW1, recorded their statements and obtained the wound certificate. She also caused the CCTV footage relating to the occurrence to be copied onto a pen drive and downloaded into a computer. She examined the witness who issued the certificate under Section 65-B of the Indian Evidence Act and recorded his statement.

20. She further deposed that the rough sketch was marked as Ex.P12; Form-91 documents were marked as Ex.P13 to Ex.P15; the requisition letter for analysis as Ex.P16; the proforma relating to the CCTV recording as Ex.P17; the



alteration report as Ex.P18; the analysis report as Ex.P19; and the photographs and pen drive as Ex.P20. After completing the investigation, she filed the final report against the accused.

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

22. 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?

23. The learned Public Prosecutor had contended that the prosecution has proved the case against the accused and relied upon the evidence of prosecution witnesses 1 to 5 & 7 to 13. There was recovery in this case and hence, the Public Prosecutor prays for conviction of the accused person.

24. In the other hand, the learned Advocate for the defence contended that the matter was compromised between the 1st accused and the victim PW1 in



SC.No.31/2025 on 08.10.2025, in which the 1st accused was the defacto complainant and prayed to acquit the accused.

25. While considering the testimony of PW1, PW1 is the victim. The case of the prosecution that prior to 16.10.2023 when the PW1 and PW2 who are husband and wife had a quarrel, A1 interfered and PW1 instructed him not to interfere in their family dispute. From then A1 was angry with PW1 and on the date of occurrence, A1 assaulted PW1. In the cross of PW1, he admitted that the 1st accused and PW1 are relatives, they are neighbors in the same street that on the date of occurrence the crime scene was crowded and he could not identify who assaulted him. Further, PW1 deposed that in SC.No.31/2025 on the file of the Chief Judicial Magistrate, Theni for the offence u/s 307 IPC in which the 1st accused was complainant, the 1st accused and PW1 compromised and which fact was admitted by PW1. PW2 is wife of PW1 and she is a hearsay witness.

26. PW3 is the owner of the furniture shop. In his testimony he has not stated the name of his furniture shop and his cross examination stated that he does not know what happened outside his shop and he does not know the 2nd and 3rd accused. PW4 is the sales man of Annamalai furniture shop, he has stated that the occurrence had taken place on 26.10.2023, which is not the date of occurrence and he has not supported the prosecution case. PW5 Chinnasamy is the friend of the accused and he has not deposed the date of occurrence and



through him Ex.P3 admissible portion in the confession and Ex.P4 Athatchi for the M.O.1 Aruval was marked and M.O.2 bike was marked through him. In the cross examination he had admitted that he signed in the police station in Ex.P3 and Ex.P4 and his testimony in cross examination did not support the prosecution case.

27. PW6 turned hostile. PW7 is the witness to the observation mahazar and the recovery to blood stained tiles and un-stained tiles. In his testimony in cross examination when he was suggested that he did not sign the Athatchi Ex.P6, in the place of occurrence he admitted that it was signed in his shop.

28. PW9 is the Head constable who according to the prosecution retrieved the video from the crime scene. In his evidence said to have retrieved video from the CCTV footage. It is significant to note that he has not spoken about the place from which he retrieved the footage i.e., the Annamalai furniture in particular is not spoken by PW9. Further he also has failed to state on which date the said videos were recorded by him. When secondary evidence is relied upon by the prosecution it should be cogent and reliable in consonance with the testimony of other witnesses. It is pertinent to note that PW9 not spoken on which date and what time and from which place, from which system/hard disk he retrieved the videos and provided 65 (B) certificate. He states two videos were found and he downloaded it in the pen drive. If the case of the prosecution



is that the videos were retrieved from the CCTV footage/hard disk the PW9 ought to have testified from which time to which time he viewed the footage and retrieved the videos.

29. No such evidence let in by the prosecution with regard to the admissibility of the secondary evidence. He stated that he has not even in his 161 statement before the Investigation officer stated about the crime scene and which was admitted by him. PW10 is the Sub Inspector who registered the FIR. PW11 and PW12 are the doctors who treated PW1, it is significant to note in Ex.P10 Accident Register, Ex.P11 the would certificate issued by Bodinayakkanur government hospital, it has been recorded by the doctors that the alleged occurrence, the assault was by two known persons on 16.10.2023 at around 10.45 P.M. near Raj petrol bunk, Bodi in Ex.P10, and in Ex.P11 wound certificate is recorded as assault by two known persons.

30. The prosecution charge sheeted against 3 accused persons, where the Accident Register which is the earliest document, when the victim states about the occurrence, it is recorded as two known persons and this falsifies the very prosecution case at the threshold. Further, the case of the prosecution is that the assault had taken place at Annamalai furniture shop, whereas Ex.P10 Accident Register, reflects the place of occurrence as near Raj petrol bunk, Bodi. The place of occurrence is entirely different in Ex.P10, from that of the prosecution



case, that even in Ex.P12 the rough sketch reflects the place of occurrence Annamalai furniture shop.

31. The Ex.P10 and Ex.P12, is in total contra with the prosecution case of place of occurrence. When in particular PW9 nor the PW13 the Inspector of police who conducted the investigation had also not in specific deposed when and what time and from which place PW9 retrieved the video footage from the crime scene. The conditions contemplated u/s 65(B) of the Indian Evidence Act/ 63 of BSA not complied with. Hence, it creates doubt in the prosecution case.

32. It is pertinent to note that, the abusive words used by the accused was mentioned by the PW1 in his testimony before this court, however no other witness deposed supporting the case of PW1. Further, he had not categorically deposed that reciting the unparliamentary words by the accused in the public place, caused annoyance to the witnesses. Hence, court find the second ingredient for the offence of 294(b) IPC is not made out and the prosecution has not proved the offence under section 294(b) of the IPC.

33. For the offence of attempt to murder, it is essential the accused should have the motive and the intention and knowledge that the injury could cause the death of the victim. The prosecution has not clearly established the guilt of the accused, the motive and intention of the accused to assault with the knowledge and intention to commit murder beyond reasonable doubt. No motive is



attributed for each accused for the offence of attempt to murder. No overt act attributed in favour of accused. On a cumulative consideration of the evidences adduced by the witnesses and reading the deposition in between the lines, this court considers that the contradiction of the witnesses in their testimony and the latches on the part of the investigation agency, the prosecution failed to prove the case beyond reasonable doubt and the benefit of doubt has to be given in favour of the accused.

34. Further, PW1 and the 1st accused are relatives and PW1 did not support the prosecution version on the whole. When that be the case no clinching and reliable evidences led by the prosecution to believe the prosecution theory. This strikes at the very root of the prosecution case and renders the prosecution version doubtful. In the absence of any substantive evidence from the material witnesses implicating the accused in the alleged commission of offence, the prosecution has failed to establish the guilt of the accused beyond reasonable doubt.

35. Hence, this Court holds that the prosecution has miserably failed to prove the charges framed against A1 u/s 294(b), 307 IPC and A2, A3 u/s 294(b), 307 r/w 34 IPC beyond reasonable doubt. Accordingly, this Court finds that the accused is not guilty of committing the offences punishable u/s 294(b), 307 IPC



against A1 and u/s 294(b), 307 r/w 34 IPC against A2 & A3 and the accused persons are entitled to be acquitted of all the charges.

36. In the result, the prosecution had failed to prove the charge against A1 u/s 294(b), 307 IPC and A2, A3 u/s 294(b), 307 r/w 34 IPC and the accused are acquitted under Section 235(1) of the Cr.P.C. The Material Object produced by the prosecution in this case, in RPR.No. 6/25, M.O.1 One Sickle (Aruval), (approximately 50 cm in total length, consisting of a 36.5 cm iron portion bearing blood stains, bent at the front and having a sharp edge on one side, a 10.5 cm designed wooden handle, a 2 cm long iron ferrule at the front, and a 1 cm long iron ferrule at the rear), M.O.3 un-stained tiles, M.O.4 Blood stained tiles and M.O.5 blood stained shirt are ordered to be destroyed, after the appeal time or after disposal of the appeal, if any, whichever is earlier. M.O.2 One HONDA SHINE motorcycle bearing Registration No. TN 59 AS 6203 (in the police station custody) shall be handed over to the owner after the appeal time is over. The Bail bonds if any shall stand cancelled.

Dictated to the Steno-Typist and typed by her in computer directly and after correction, pronounced by me in open court on this 24th day of August, 2026.

**Additional Sessions Judge,
Theni.**

**List of witnesses examined on the side of prosecution :-**

PW1	24.01.2025	Murugesan/Complainant
PW2	24.01.2025	Yogamalar/Hearsay witness
PW3	07.02.2025	Rajeshkumar/Eye witness
PW4	20.03.2025	Ramavel/Eye witness
PW5	19.08.2025	Chinnasamy/Confession and Seizure Mahazar witness
PW6	02.09.2025	Rajangam/Observation and Seizure Mahazar witness
PW7	16.09.2025	Mani/Observation and Seizure Mahazar witness
PW8	16.09.2025	Pandi/Formal witness
PW9	04.03.2026	Rathinkumar/Formal witness
PW10	12.06.2026	Ashok/Duty officer
PW11	18.06.2026	Rajeevkumar/Expert witness
PW12	08.07.2026	Sushmithasri/Expert witness
PW13	08.07.2026	Ramalakshmi/Investigation officer

List of documents marked on the side of prosecution :-

Ex.P1/PW1	16.10.2023	Complaint
Ex.P2/PW2	22.03.2025	PW3's signature on the complaint
Ex.P3/PW5	26.11.2023	Confession statement admitted portion
Ex.P4/PW5	26.11.2023	Athatchi at 08.00 hrs
Ex.P5/PW7	16.10.2023	Observation Mahazar
Ex.P6/PW7	16.10.2023	Athatchi at 16.45 hrs
Ex.P7/PW9	16.10.2023	65B Certificate
Ex.P8/PW10	16.10.2023	First Information Repot
Ex.P9/PW11	25.10.2023	Medical Legal opinion
Ex.P10/PW12	16.10.2023	Accident Register



Ex.P11/PW12	16.10.2023	Wound certificate
Ex.P12/PW13	16.10.2023	Sketch
Ex.P13/PW13	16.10.2023	Form 91
Ex.P14/PW13	11.11.2023	Form 91
Ex.P15/PW13	26.11.2023	Form 91
Ex.P16/PW13	07.12.2023	Chemical requisition
Ex.P17/PW13	24.01.2024	Proforma
Ex.P18/PW13	24.01.2024	Section added report
Ex.P19/PW13	21.12.2023	Biological report
Ex.P20/PW13	16.10.2023	6 Photos and one pen drive

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

M.O.1/PW1	One Sickle (Aruval), approximately 50 cm in total length, consisting of a 36.5 cm iron portion bearing blood stains, bent at the front and having a sharp edge on one side, a 10.5 cm designed wooden handle, a 2 cm long iron ferrule at the front, and a 1 cm long iron ferrule at the rear.
M.O.2/PW5	One HONDA SHINE motorcycle bearing Registration No. TN 59 AS 6203.
M.O.3/PW7	Without Blood stained tiles.
M.O.4/PW7	Blood stained tiles.
M.O.5/PW13	Blood stained shirt

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

**Additional Sessions Judge,
Theni.**