

**IN THE COURT OF THE JUDICIAL MAGISTRATE, AVINASHI**

Present: Tmt. N. Keerthana, B.A.,L.L.M.,
Judicial Magistrate, Avinashi.

On Friday, the 17th day of July 2026

C.C.No.491/2021

in

Crime No.367/2019

CNR.No.TNTI13-002263-2021

Sakthi Narayanan,
S/o. Ganesan

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Thirumuruganpoondi Police Station, Cr.No.367/2019
U/s.294(b), 506(ii) of IPC and Sec.4 of TNPHW Act

...Complainant

This case is originally taken on file as CC.809/2019 Dated 18.12.2019 and the case was transferred to this court on the point of bifurcation of jurisdiction and renumbered as CC.No.491/2021 and case came up for final hearing before me on 08.07.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru.K. Gopinath Advocate for the accused. After hearing both sides, on perusal of records and having stood over for consideration, this Court delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION:

The defacto complainant, Ms. Sushmitha Shree was employed as an Interior Design in the company namely "Sakthi Interiors" near Gold Mill, Ammapalayam. On

01.02.2019, at about 11:00 a.m., while the defacto complainant and her co-worker, Ms. Meena, were attending their work at the said company, the accused being the owner of the company, took photographs of the defacto complainant by using his mobile phone without her consent. When the defacto complainant questioned with regard to the same, the accused abused her in filthy language. Thereafter, the accused went to the defacto complainant's residence, brandished a razor blade, and criminally intimidated the defacto complainant by threatening as "if she did not agree to marry him, he would kill her". By the aforesaid acts, the accused, has given the emotional distress and failed to treat her with dignity as a woman. The Inspector of Police, Thirumuruganpoondi Police Station filed the final report against the accused for the offence under Section 294(b), 506(ii) of IPC and Sec. 4 of TNPHW Act.

II. THE CHARGE AND PLEA OF THE ACCUSED:

2. Upon appearance of accused, copies of the final report and documents was furnished to him at free of cost in compliance with section 207 of Crpc.

3. After examining the case records and providing both parties adequate opportunity to be heard, this court finds sufficient grounds to frame charges against the accused for the offence under section 294(b), 506(ii) of IPC and Sec. 4 of TNPHW Act. Charges were duly framed read over and explained. The accused denied the charges, and claimed to be tried.

III. EVIDENCE ADDUCED BY THE PROSECUTION:

4. During the trial, prosecution witnesses PW1 was examined, and prosecution exhibits Ex.P.1 to Ex.P.4 were marked. On the side of the prosecution, VAO certificates were produced for LW1 and LW2, stating that they do not reside at the addresses furnished in the charge sheet. Hence, the evidence of LW1 and LW2 could not be recorded. No evidence was adduced on the side of the defence.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 - Latha** deposed that on 01.05.2019, while Grade-I Police

Constable Sureshkumar was on station duty, the defacto complainant, Ms. Sushmitha Shree, appeared before the police station and lodged a complaint. Based on the said complaint, a First Information Report was registered in Thirumuruganpoondi Police Station Crime No. 362 of 2019 for the offence punishable under Sections 294(b) and 506(ii) of IPC and Section 4 of TNPHW Act. Thereafter, the case file was entrusted to the Inspector of Police, Tmt. Muniyammal, for investigation. The complaint was marked as Ex.P1, and the First Information Report was marked as Ex.P2. On the same day, Tmt. Muniyammal, Inspector of Police, took up the investigation. At about 18.30 Hours she visited the place of occurrence in the presence of witnesses Satheeshkumar and Saravanan, inspected the place of occurrence, and prepared the Observation Mahazar and Rough Sketch. The Observation Mahazar was marked as Ex.P3, and the Rough Sketch was marked as Ex.P4. She examined prosecution witnesses 1 to 6 and recorded their individual statements. On 02.05.2019, she arrested the accused in connection with the case and produced the accused before this Court, where the accused was remanded to judicial custody. Upon completion of the investigation, the Inspector of Police, Thirumuruganpoondi Ps filed the final report for the offences under Section 294(b) and 506(ii) of IPC and Section 4 of the TNPHW Act against the accused.

V. QUESTIONING UNDER SECTION 313(1)(b) of Crpc:

6. The testimonies and circumstances incriminatory to the accused from the prosecution witnesses were explained and questioned to the accused under Section 313(1)(b) of Crpc, to which the accused replied stating that it is a false case. No evidence was adduced on the side of the defence.

VI. POINT FOR DETERMINATION:

7. The prosecution primarily rests upon the evidence of the defacto complainant, who is the victim of the alleged occurrence. However, the defacto complainant has not entered into the witness box to depose before this Court.

Therefore, the prosecution has failed to place the substantive evidence of the victim regarding the alleged abuse, criminal intimidation and harassment. In the absence of the evidence of the defacto complainant, the very foundation of the prosecution case is weakened.

8. It is pertinent to note that PW1, the Investigating Officer, has only spoken about the registration of the case, investigation conducted by her and filing of the final report. Her evidence is only procedural in nature and she has no personal knowledge about the occurrence. Therefore, the evidence of PW1 does not prove the charges levelled against the accused.

9. To the sum and substance of the oral and documentary evidence, this Court finds that the prosecution has failed to examine the material witness, namely the defacto complainant, and there is no substantive evidence to prove the alleged occurrence. Therefore, the prosecution has failed to prove the charges against the accused beyond reasonable doubt. Hence, the accused is entitled to the benefit of doubt and is liable to be acquitted.

VII. THE DECISION:

10. In the light of the discussion and findings arrived under the previous head, this Court holds that the accused is FOUND NOT GUILTY for offences under section 294(b) and 506(ii) of IPC and Section 4 of the TNPHW Act, as per section **248 (1) of Crpc.**

VIII. PROPERTY ORDER U/S.457 of Crpc:

No property seized in this case, hence no property order.

Directly Dictated to the Steno-typist and typed by him, corrected and pronounced by me in Open Court on the 17th day of July 2026.

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Latha	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	First Information Report	PW1
3	Observation Mahazar	PW1
4	Rough Sketch	PW1

Material Objects:

Material Object No.	Description of the Exhibit	Proved by/Attested by
NIL	NIL	NIL

For Defence**Witnesses:** Nil**Documents:** Nil**Material Objects:** Nil

Judicial Magistrate,
Avinashi.

Note:

- i. No witness was retained more than three times.
- ii. The Result of this case has been communicated to the concerned Police Station.
- iii. Copy of this Judgment is hereby humbly submitted to the Hon'ble Chief Judicial Magistrate, Tiruppur.