

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

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

On Friday, the 24th day of July 2026

C.C.No.281/2022

in

Crime No.576/2021

CNR.No.TNTI13-0056832022

Mohan
S/o. Palanisamy

...Accused

Vs.

State of Tamil Nadu Represented by, The Sub Inspector of Police,
Cheyur Police Station, Cr.No.576/2021
U/s.386 of IPC

...Complainant

This case came up for final hearing before me on 24.07.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru.M. Ragunathan, 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:

On 01.11.2021, at about 13.00 Hours, while the defacto complainant, Venugopal, was riding his motorcycle on the Cheyur–Nambiyur Road near Rajadhani Bakery, Sandhaipalayam, along with Ranjith Kumar as a pillion rider. At that time,

Mohan, who was present at the place of occurrence, suddenly intercepted the defacto complainant, brandished an iron rod and threatened the defacto complainant and extorted for a sum of Rs.1,000/-. The Sub Inspector of Police, Cheyur Ps filed the final report against the accused for the offence under section 386 of IPC.

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 U/s.386 of IPC. 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 witness PW1 to PW3 was examined, and prosecution exhibits Ex.P.1 to Ex.P.5 were marked. No evidence was adduced on the side of the defence. Death Certificate of LW1 produced and hence his evidence could not be recorded.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 - Ranjithkumar** deposed that he is working as an auto driver. He stated that about three to four years ago, he was present at the auto stand near the Cheyur Police Station. He stated that he was called from the police station and his signature was obtained. He further deposed that he had no other knowledge regarding the case.

6. **PW2 - Kannan** deposed that is working as a car driver. He stated that about three to four years ago, he was present at the auto stand near the Cheyur Police Station. He stated that he was called from the police station and his signature was obtained. He further deposed that he had no other knowledge regarding the case.

7. **PW3 – Karthick Thangam** deposed that on 01.11.2021, while he was on

station duty, Venugopal appeared before the police station and submitted a written complaint. Based on the said complaint, he registered a case in Crime No.576 of 2021 for the offences punishable under Sections 387 and 506(2) of IPC. He forwarded the original First Information Report along with the complaint to this Court. The complaint was marked as Ex.P1, and the First Information Report was marked as Ex.P2. He further deposed that he took up the investigation on the very same day and, at about 15.30 Hours visited the place of occurrence in the presence of witnesses Manikandan and Gunasekaran. He inspected the place of occurrence and prepared an Observation Mahazar and a Rough Sketch. The Observation Mahazar was marked as Ex.P3, and the Rough Sketch was marked as Ex.P4. He stated that he examined prosecution witnesses LW1 to 6 and recorded their statements. He further stated that he served a notice upon the accused under Section 41A of Crpc. Finally, he deposed that, upon completion of the investigation, he altered the penal provision from Section 387, 506(ii) of IPC to Section 386 of IPC, the Alteration Report was marked as Ex.P5. After completion of investigation, the Sub Inspector of Police, Cheyur filed the final report against the accused for the offence under section 386 of IPC.

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

8. 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:

9. The case of the prosecution primarily rests upon the evidence of the defacto complainant, who is the victim of the alleged occurrence, and PW1 and PW2, who are the eyewitnesses to the occurrence. It is to be noted that the death certificate of the defacto complainant was produced before this Court and the same was verified. Hence, the evidence of the defacto complainant could not be recorded. Therefore, the

prosecution has lost the opportunity to examine the material witness to prove the alleged occurrence.

10. Be that as it may, PW1 and PW2, who are the eyewitnesses to the occurrence, have not supported the case of the prosecution. PW1 has deposed that he was called to the Cheyur Police Station and his signature was obtained by the police. Except that, he has stated that he has no knowledge about the occurrence. Likewise, PW2 has also deposed that he was called to the police station and his signature was obtained. He has further stated that he has no knowledge regarding the occurrence. Therefore, the evidence of PW1 and PW2 does not prove that the accused wrongfully restrained the defacto complainant, put him in fear of injury and extorted a sum of ₹1,000/- from the defacto complainant.

11. PW3, the Investigating Officer, has spoken about the registration of the case, preparation of the Observation Mahazar and Rough Sketch, examination of witnesses, alteration of the penal provision and filing of the final report. His evidence would only establish the procedural formalities carried out during the course of investigation. In the absence of the evidence of the defacto complainant and when both the eyewitnesses have not supported the case of the prosecution, the evidence of PW3 alone is not sufficient to prove the charges against the accused.

12. On considering the entire oral and documentary evidence, this Court finds that the prosecution has failed to prove beyond reasonable doubt that the accused committed the offence punishable under Section 386 of IPC. The evidence of the defacto complainant could not be recorded due to his death, both the eyewitnesses have not supported the case of the prosecution, and the evidence of PW3 is only procedural in nature. Therefore, the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Hence, the accused is entitled to the benefit of doubt and is liable to be acquitted.

VIII. THE DECISION:

13. In the light of the discussion and findings arrived under the previous head,

this Court holds that the accused is FOUND NOT GUILTY for offence under section U/s.386 of IPC, as per section **248 (1) of Crpc.**

IX. 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 24th day of July 2026.

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Ranjithkumar	Eye Witness
2.	Kannan	Eye Witness
3.	Karthick Thangam	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW3
2	First Information Report	PW3
3	Observation Mahazar	PW3
4	Rough Sketch	PW3

5 Alteration Report

PW3

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.