

TNTI130067942025



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

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

**On Friday, the 09<sup>th</sup> day of March 2026**

**C.C.No.917/2025**  
**in**  
**Crime No.498/2025**  
**CNR.No.TNTI13**

A1. Sivakarthick,  
S/o. Bijumahesh

A2. Vijay,  
S/o. Palanisamy,

A3. Lingeswaran,  
S/o. Subramani,

A4. Gowtham  
S/o. Gobinath

...Accused

Vs.

State of TamilNadu Represented by, The Sub Inspector of Police,  
Thirumuruganpoondi Police Station, Cr.No.498/2025  
U/s.140(3), 308(4) of BNS

...Complainant

This case came up for final hearing before me on 04.03.2026 in the presence of the Learned Assistant Public Prosecutor for the State and Thiru.Hari Hara Sudhan Advocate for the accused. After hearing both sides, on perusal of records and having stood over for consideration, this Court on 09.03.2026 delivers the following,

## **JUDGMENT**

### **I. CASE OF THE PROSECUTION:**

On 23.10.2025 at 8:00 p.m., while the the defacto complainant Aadhis was at Lily Cafe located on the Thirumuruganpoondi–Avinashi Road, when he was conversing with his friend and witnesses, Sanjay Krishnan, the accused arrived in a white Maruti Alto car bearing Registration No. TN 39 BU 6219. The 1<sup>st</sup> accused asked Sanjay Krishnan to accompany to Harikaran's location and took him into the car. Subsequently, the 1<sup>st</sup> accused demanded the defacto complainant Aadhis to show them to the location of Sanjay Krishnan's house. When the defacto complainant Aadhis refused, the 3<sup>rd</sup> and 4<sup>th</sup> accused unlawfully forced him into the car and took him away. The 1<sup>st</sup> accused drove the car to the Avinashi Bypass Road and stopped near Haribhavan Hotel, where, they coerced the defacto complainant Aadhis to call Sanjay Krishnan. After Sanjay Krishnan disconnected the call, all the accused took the defacto complainant into the car and proceeded towards Perumanallur. When Aadhis requested to be released, the 2<sup>nd</sup> accused threatened him with a knife. The 3<sup>rd</sup> accused instructed the 2<sup>nd</sup> accused and he snatched the chain from Aadhis's neck. Therefore, the Inspector of Police, Thirumuruganpoondi Ps has filed a police report against all the four accused for offences punishable under Sections 140(3), 308(4) of BNS.

### **II. THE CHARGE AND PLEA OF THE ACCUSED:**

2. Upon service of summon and appearance of the accused, copies of the final report and documents were given to accused and at free of cost in compliance with section 207 of Code of Criminal Procedure.

3. After examining the case records and providing both parties adequate

opportunity to be heard, this court finds sufficient grounds to frame charges under Sections **U/s.140(3), 308(4) of BNS** against accused. Framed Charges were explained, and upon questioning, the accused denied the charges, and the case was ordered for trial.

### **III. EVIDENCE ADDUCED BY THE PROSECUTION:**

4. During the trial, prosecution witnesses PW1 to PW4 were examined, and prosecution exhibits Ex.P.1 to Ex.P.9 were marked. No defence side evidence.

### **IV. EVIDENCE OF PROSECUTION IN BRIEF:**

5. PW1 Sathishkumar testified that he is a 3<sup>rd</sup> year college student. He stated that the accused are his friends and that there were on going monetary transactions between them. He claimed that due to mental distress arising from these transactions, he filed a complaint against them. However, he further testified that he only signed in the complaint and without knowing its content. Further, the said complaint was not written by him and the police did not investigate.

6. PW2 Jothilakshmi testified that she is a 3<sup>rd</sup> year college student. She is stated that the defacto complainant, Aadhish, and other accused are known to her. She further testified that on 25.10.2025, at 8:00 p.m, she along with defacto complainant Aadhish and all the accused had tea at Lily Café on Avinashi Road, Tiruppur. At that time, Aadhish and Sivakarhik were engaged in a discussion relating to money. She does not know anything in connection with the case, though the police had previously enquired her.

7. PW3 Palanisamy testified that on 24.10.2025, while Head Constable Mohan was on station duty, Aadhish appeared at the station and lodged a complaint. Based on the said complaint, a First Information Report (FIR No.3) was registered in

Crime No. 498/2025 under Sections 140 (3) and 308 (4) of the BNS. He took up the case for investigation and, on the same day at 6:00 p.m., proceeded to the scene of occurrence. In the presence of witnesses Chithraivel and Prabhakaran, he inspected the scene of occurrence and prepared an Observation Mahazar (Ex.P4) and Rough Sketch (Ex.P5). He examined and recorded the statements of listed witnesses 1 to 3. Thereafter, in the presence of witnesses Gugan and Punnyamurugan, recorded the confession statement given by the accused Sivakarhik. In the presence of the aforesaid witnesses, he seized one Alto K10 car bearing Registration No. TN 39 BU 6213 and a knife produced by the accused through a Seizure Mahazar (A6). The admissible portion of the confession statement is marked as Ex.P7. Subsequently, in the presence of the same witnesses, he seized a gold chain weighing approximately 20 grams from the accused Lingeswaran through a Seizure Mahazar (Ex.P8). He examined the above witnesses and recorded their statements. He also examined Head Constable Mohan, who had registered the First Information Report, and recorded his statement. The case properties were forwarded to the Court through Form No.91, which is marked as Ex.P9. After completing the investigation, he filed the final report on 01.11.2025 for the offences under Sections 140(3) and 308(4) of the BNS.

**V. QUESTIONING UNDER SECTION 313 OF Cr.P.C, 1973:**

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 Cr.P.C., to which the accused 1 to 4 denied as false case. No witnesses were examined on the side of accused.

**VI. ARGUMENTS ADVANCED:**

9. The learned counsel who appeared for the accused argued that a false case has been filed against the accused 1 to 4, and they have no connection with this case. The prosecution has not proved the charges against the accused 1 to 4 beyond doubt,

hence the accused may be acquitted.

**VII. POINT FOR DETERMINATION:**

**10.** The issue to be decided in this case is whether the charges under Sections 140(3) and 308(4) of the BNS have been proved beyond reasonable doubt by the prosecution?

**VIII. APPRECIATION OF EVIDENCE AND FACTS:**

**11.** The testimony of PW1 is most crucial point in this case who is none other than the alleged victim in this case. Though PW1 admits the signature on the complaint, which is Ex.P1, but he explicitly states that he does not know about the contents mentioned in the complaint. Further, PW1 has also testified that they have reached a mutual settlement between them and stated that he does not wish to pursue the case. Since the primary victim has failed to identify the accused as the perpetrators of the crime and state about the contents in the FIR, the substratum of the prosecution case is weakened. Though PW2 has deposed evidence but she stated that she does not know about the contents of the case. Wherein the investigating officer has stated about the procedural formalities done in this case and the Exhibits marked as Ex.P3 to Ex.P9. The ocular evidence himself has turned hostile and refused to implicate the accused in Open Court, and so there is no incriminating evidence against the accused 1 to 4.

**12.** They filed a compromise petition in this Court requesting that no action should be taken on the complaint. He expressly stated that he has no objection to the release of the accused.

**13.** This Court finds that PW1's testimony suffers from fundamental and incurable defects that render it wholly unreliable since he has not corroborated any of the specific allegations made in the complaint.

**14.** In the present case, the evidence on record is not only insufficient but is affirmatively discrediting the prosecution's case. The defacto complainant himself has disowned knowledge of the contents of the complaint and has failed to corroborate any of the allegations. The investigating officer's testimony merely establishes procedural compliance but does not prove the commission of the offences.

**15.** The fundamental principle of criminal jurisprudence is that the prosecution must prove the guilt of the accused beyond reasonable doubt. The benefit of doubt must invariably go to the accused. In the instant case, there is not merely a reasonable doubt but a complete absence of credible evidence establishing the guilt of the accused. The prosecution has failed to discharge its burden of proof. However, during the course of the trial, PW1 did not support the prosecution's case in its entirety. It is settled law that the evidence of the Investigating Officer alone cannot form the basis for a conviction unless it is supported by reliable evidence regarding the occurrence. It is a cardinal principle of criminal jurisprudence that the burden lies upon the prosecution to prove the guilt of the accused beyond reasonable doubt. In the present case, due to the absence of reliable and convincing evidence, this Court is satisfied that the prosecution has failed to prove the charges framed against the accused.

#### **IX. THE DECISION:**

In the light of the discussion and findings arrived under the previous head, this Court holds that the A1 to A4 are FOUND NOT GUILTY and ACQUITTED of the Offences against all the accused under Sections 140(3) and 308(4) of the BNS are acquitted of the offences charged against them as per section **271(1) of BNSS**. The bail bond executed by all the accused in this case is ordered to be canceled subject to appeal if any.

**X. PROPERTY ORDER U/S. 498 of BNSS:**

The property in P.R.No.22/2026, Gold Chain in the weight of 19.740 and Maruti Suzuki Alto K10 Four Wheeler bearing Regn. No.TN 39 BU 6219 were handed over to the defacto complainant and the same is made absolute after the period of appeal.

Directly Dictated to the Steno-typist and typed by him, corrected and pronounced by me in Open Court on this 09<sup>th</sup> day of March 2026.

Judicial Magistrate,  
Avinashi.

**LIST OF EVIDENCE**

(As per Rule 107(1) of Criminal Rules of Practice, 2019)

**For Prosecution****Witnesses**

<b>S.No.</b>	<b>Examined as</b>	<b>Name of witnesses</b>	<b>Date of Examination</b>
1.	PW1	Adish	03.03.2026
2.	PW2	Sanjai Krishnan	03.03.2026
3.	PW3	Palanisamy	03.03.2026

**Documents:**

<b>S.No.</b>	<b>Exhibits</b>	<b>Marked through</b>	<b>Date of document</b>	<b>Description of document</b>
1.	P.1	PW1	03.03.2026	The signature of PW1 in the complaint
2.	P.2	PW2	03.03.2026	Complaint

3.	P.3	PW2	03.03.2026	First Information Report
4.	P.4	PW2	03.03.2026	Observation Mahazar
5.	P.5	PW2	03.03.2026	Rough Sketch
6.	P.6	PW2	03.03.2026	Seizure Mahazar
7.	P.7	PW2	03.03.2026	Admission Portion of the Confession Statement
8.	P.8	PW2	03.03.2026	Seizure Mahazar
9.	P.9	PW2	03.03.2026	Form No.91

**Material Objects:** 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.