

TNTI130074182023

**IN THE COURT OF THE JUDICIAL MAGISTRATE, AVINASHI****Present:** Tmt. N. Keerthana, B.A.,L.L.M.,
Judicial Magistrate, Avinashi.**On Wednesday, the 17th day of June 2026****C.C.No.382 of 2023****in****Crime No.328/2023****CNR.No.TNTI13-007418-2023**

1. Siva
S/o. Subramaniyan

2. Subbaiya @ Sudha,
S/o. Mariselvam

...Accused

Vs.

State of Tamil Nadu Represented by, The Inspector of Police,
Perumanallur Police Station, Cr.No.328/2023
U/s.392 of IPC

...Complainant

This case came up for final hearing before me on 06.06.2026 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 23.08.2023 at about 16.45 Hours near Vannan pattarai Kuttai on the

Ettiveerampalayam–Rakiyapatti Road the defacto complainant, Eswari, was riding a TVS ZEST Scooty bearing Registration No. TN 39 CW 1897. At that time, the 1st accused, Subbaiya @ Sudha, was riding a Bajaj Pulsar NS 220 motorcycle without a registration number plate on the same road, with the 1st accused Siva travelling as a pillion rider. When they came near the defacto complainant, the 1st accused, Siva, allegedly snatched the Gold Thali Chain weighing approximately 4 sovereigns worn by her neck and both the accused fled away from the place of occurrence. Based on the complaint, and upon completion of investigation, the Inspector of Police, Perumanallur Police Station filed the final report against the accused for the offence under section 392 of IPC.

II. THE CHARGE AND PLEA OF THE ACCUSED:

2. Upon appearance of accused, copies of the final report and documents were furnished to them at free of cost in compliance with section 230 of BNSS.

3. After examining the case records and providing both parties adequate opportunity to be heard, this court finds sufficient grounds to frame charges under Section 392 of IPC against accused. Charges framed and 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 PW6 were examined, and prosecution exhibits Ex.P1 to Ex.P16 were marked. No evidence was adduced on the side of the defence.

IV. EVIDENCE OF PROSECUTION IN BRIEF:

5. **PW1 - Eswari** testified that on 23.08.2023, at about 04.45 PM while she was returning to her home after attending a family function at Vavipalayam, she was proceeding on her TVS Scooty bearing Registration No. TN 39 CW 1897. When she nearing Vannan Parai Kuttai on the Etti Veerampalayam – Rakiyapatti Road, two unknown persons came from behind on a pulsar Motor Pulsar cycle without

registration number plate. When the motorcycle came near her vehicle, she turned at that time the pillion rider suddenly snatched the gold thali chain worn by her neck. Due to the force used in snatching, the mangalyam attached to the Gold chain caught separated and remained in her side, whereas the remaining portion of the chain was taken away by the offenders. The chain weighed approximately 4½ sovereigns. Immediately after the incident, she informed her son and husband over the phone and thereafter she returned home. On the next day, she lodged a complaint before the police station and she would be able to indentify the offenders if shown to her again.

The rider of the motorcycle was wearing an orange-coloured shirt and black pant, while the pillion rider was wearing a navy blue shirt and black pant. She admitted the signature found in the complaint and the same was marked as Ex.P1. Since, the accused was not present in this court, she identified the accused through photographs, which were marked as Exhibit P2. Pursuant to the directions of the police, she participated a Test Identification Parade conducted at the District Prison, Tiruppur, wherein she identified both the accused on several persons. She also stated that she had obtained the Gold Thali Chain as interim custody. She also identified the recovered photographs of the accused, recovered gold chain, the clothes allegedly worn by the accused at the time of occurrence and the motor cycle used for the commission of the offence which were marked as Ex.P2 to Ex.P5 (Photographs) respectively. She also specifically stated that due to panic, she immediately went home and thereafter went to the Hospital and lodged a complaint on the next day.

6. PW2 - Ilango testified that on 23.08.2023, at about 5:00 p.m., his mother contacted him over phone and informed him that while she was proceeding on her two wheeler, two unknown persons had snatched the gold chain worn by her. Immediately, thereafter she proceeded to the place informed by his mother and found her standing approximately half a kilometre away from the place of occurrence. He took her from that location to their house and thereafter accompanied her to the hospital for medical treatment. He further stated that on the day following the

incident, his mother lodged a complaint at the police station, and he accompanied her there. He was subsequently examined by the police during the investigation.

7. PW3 – Velusamy testified that on 24.08.2023, at about 10:30 a.m., the police visited the scene of occurrence, conducted an inspection, and prepared a sketch and observation mahazar. He further stated that the police informed that they were conducting an investigation in connection with the chain-snatching. He had signed the observation mahazar prepared by the police as the 2nd signature and the same was marked as Exhibit P6. He was examined by the police during the course of the investigation.

8. PW4 – Raja testified that he was engaged in weaving occupation. On 25.08.2023, at about 11:30 a.m., while proceeding to Somanur to purchase materials required for his weaving work, he noticed a gathering of people near Maharajar's house in Karthik Compound. Upon approaching the spot, he found police personnel present there. When he enquired about the situation, the police informed him that they had apprehended two persons in connection with a chain-snatching case and requested him to act as a witness during their enquiry. He agreed to do so. During the enquiry, the two persons disclosed their names as Siva and Subbaiya. He stated that he would be able to identify them if he saw them again. The police recovered from them a black-and-white Pulsar motorcycle and a gold thali chain weighing approximately four sovereigns. The police also seized a dark blue shirt, two black pants, and a light orange - coloured shirt from their possession. He signed as a witness to these proceedings. He identified the 1st witness signature in the confession statement of accused Siva as his own, and the same was marked as Exhibit P7. He also identified the 1st witness signature in the confession statement of accused Subbaiya, as his own, which was marked as Exhibit P8. He further identified the first witness signature in the seizure mahazar relating to the recovery of the motorcycle, helmet, and clothes from accused Siva. After reading the contents of the mahazar, he admitted them to be correct. The seizure mahazar was marked as Exhibit P9.

Likewise, he identified the first witness signature in the seizure mahazar relating to the recovery of a gold chain of the Arainjan Kodi model weighing about four sovereigns and certain clothes. After reading the contents, he admitted them to be correct. The seizure mahazar was marked as Exhibit P10. He stated that he was examined by the police during the investigation.

9. PW5 – Sivakumar testified that he was running a business under the name of “Science Square Electronics,” dealing in the sale and servicing of CCTV cameras. On 24.08.2023, the Inspector of Police, Perumanallur Police Station, approached him and requested assistance in downloading CCTV footage connected with a chain-snatching case. Accordingly, he visited the Etti Veerampalayam Panchayat Office and viewed the video recordings stored in the DVR system, he copied the relevant footage into a pen drive and provided by the police. Thereafter, he went to Vinayaga Departmental Store at Karumathampatti and similarly downloaded the relevant CCTV footage from the DVR system and copied the same into the pen drive brought by the Investigating Officer. On the following day, the Investigating Officer showed him the footage contained in the pen drive and requested him to extract photographs from the Video Recordings. Accordingly, he converted selected video frames into photographs using his computer and provided printed copies of those photographs to the police. Since he had downloaded and transferred the electronic records, he issued a certificate under Section 65B of the Indian Evidence Act in respect of the CCTV footage. He admitted the signature found in the certificate and the 65B Certificate was marked as Exhibit P11.

10. PW6 – Vasanthakumar testified that he was presently serving as an Inspector of Police in the Special Branch of the Tiruppur District Superintendent of Police’s Office. During the year 2023, he was working as Inspector of Police at Perumanallur Police Station. He stated that on 24.08.2023, at about 9:00 a.m., while Sub-Inspector Shanmugam was on station duty, Eswari appeared at the police station and submitted a written complaint. Based on the complaint, Crime No. 328 of 2023

was registered under Section 392 IPC, and the case file was entrusted to him for investigation. The First Information Report was marked as Exhibit P12. He took up the investigation and, at about 10:30 a.m. on the same day, visited the scene of occurrence in the presence of witnesses Senthil Kumar and Velusamy. He inspected the scene and prepared an observation mahazar and a rough sketch. The rough sketch was marked as Ex.P13. He examined witnesses Eswari, Ilango, Parvathi, Moorthy, Senthil Kumar, and Velusamy and recorded their statements. On 25.08.2023, after examining CCTV footage from locations near the scene of occurrence, including the CCTV cameras installed at the Etti Veerampalayam Panchayat Office, he identified the motorcycle allegedly used by the offenders. Following the trail obtained from the footage, he examined CCTV footage from Vinayaga Departmental Store at Elachipalayam, Karumathampatti. Based on the information gathered, he proceeded to Karthik Compound in Kumaran Nagar on the Somanur–Sedarpalayam Road, where he located the motorcycle parked nearby. As he approached the premises, a person standing outside the house attempted to flee upon noticing the police. He was apprehended and identified himself as Siva. Another individual emerged from inside the house and identified himself as Sudha alias Subbaiya. According to the witness, both individuals admitted their involvement in the chain-snatching incident. He arrested them at 11:30 a.m. after informing them of the grounds of arrest. Thereafter, in the presence of witnesses Raja and Santhosh, he recorded the confession statement of accused Siva at 12:00 noon. Pursuant to the disclosure made by Siva, he seized a black-and-white Pulsar NS 200 motorcycle without a registration plate, a dark blue shirt, a black pant, and a helmet at 12:45 p.m. under a seizure mahazar. Subsequently, he recorded the confession statement of accused Sudha alias Subbaiya at 1:10 p.m. In consequence of the disclosure made by him, he seized a gold chain of the Arainjan Kodi model weighing about four sovereigns, a light orange shirt, and a black pant at 1:45 p.m. through seizure mahazar.

After completing the seizure proceedings, he brought the accused and the case

properties to the police station and produced the accused before this Court for judicial Custody. The recovered properties were identified by Eswari and were forwarded to the Court under separate Form No. 91. The Form No. 91 were marked as Exhibit P14. He recorded a further statement from Eswari and also examined the witnesses to the confession and recovery proceedings. On the same day, he examined Sivakumar, who had downloaded the CCTV footage, and obtained from him photographs extracted from the CCTV recordings along with a certificate under Section 65B of the Indian Evidence Act. Five photographs obtained from the CCTV footage recorded at the Etti Veerampalayam Panchayat Office and Vinayaga Departmental Store were marked as Exhibit P15. On 05.09.2023, a Test Identification Parade was conducted by the Judicial Magistrate, Kangeyam, at Tiruppur District Prison, during which the complainant identified both accused persons. The Test Identification Parade Report was marked as Exhibit P16. Finally, on 20.10.2023, he examined Sub-Inspector Shanmugam, who had registered the FIR, recorded his statement, completed the investigation, and filed the final report against the accused for the offence under Section 392 IPC.

V. QUESTIONING UNDER SECTION 351(1)(b) of BNSS:

11. The testimonies and circumstances incriminatory to the accused from the prosecution witnesses were explained and questioned to the accused under Section 351(1)(b) of BNSS 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:

12. The issue to be decided in this case is whether the charges under Section 392 of IPC have been proved beyond reasonable doubt by the prosecution?

VII. APPRECIATION OF EVIDENCE AND FACTS:

13. In the present case, the prosecution mainly rests upon the evidence of PW1, who is the victim of the occurrence. PW1 has categorically deposed that on

23.08.2023 at about 4.45 p.m., while she was proceeding on her TVS Scooty after attending a family function, two persons came from behind on a Pulsar motorcycle and the pillion rider suddenly snatched the gold thali chain worn by her. According to her, due to the force employed by the offenders, the mangalyam attached to the chain remained inside her blouse and the remaining portion of the chain was forcibly removed and taken away. The evidence of PW1 clearly establishes the occurrence of chain-snatching and the use of force by the offenders.

14. It is pertinent to note that PW1 had no previous acquaintance with the accused. During cross-examination, she has admitted that she did not know the accused earlier. However, she has specifically stated that she noticed the offenders at the time of occurrence and that she would be able to identify them. Subsequently, a Test Identification Parade was conducted before the learned Judicial Magistrate, wherein PW1 successfully identified both the accused. The Test Identification Parade Report has been marked as Ex.P16.

15. PW1 has further deposed that after the occurrence she immediately informed her son and husband over phone. The evidence of PW2 corroborates the said version. PW2 has stated that immediately after receiving the phone call from PW1, he rushed to the place and found his mother in a panic state. Though PW2 is not an eyewitness to the occurrence, his evidence lends assurance to the testimony of PW1 regarding the occurrence and the immediate aftermath.

16. During cross-examination, PW1 has admitted that she did not lodge the complaint immediately on the date of occurrence and that the complaint came to be lodged on the following day. However, she has explained that she was in a state of shock after the occurrence and returned to her residence. This explanation appears natural and acceptable. Mere delay of one day in lodging the complaint, in the facts and circumstances of the present case, cannot be treated as fatal to the prosecution case.

17. PW3 is a witness to the observation mahazar. His evidence reveals that the

Investigating Officer visited the place of occurrence and prepared the observation mahazar and rough sketch. Though PW3 is not an eyewitness to the occurrence, his testimony supports the investigation conducted by the police.

18. The prosecution has further relied upon the evidence of PW4, who is the witness to the confession and recovery proceedings. PW4 has clearly deposed that both the accused were apprehended by the police and that pursuant to the voluntary disclosure statements given by them, the stolen gold chain, the motorcycle used for the commission of the offence and the clothes worn by the accused were recovered. He has identified his signatures in Ex.P7 to Ex.P10. No material inconsistencies has been elicited during his cross-examination to discredit his testimony.

19. The recovery of the snatched gold chain pursuant to the disclosure statement of the accused assumes considerable significance. PW1 has categorically identified the recovered chain as her own property. She has further deposed that she subsequently obtained interim custody of the said chain through Court proceedings. The identification of the recovered property by PW1 is a corroboration to the prosecution case.

20. The prosecution has also adduced electronic evidence through PW5. PW5 has spoken about downloading the CCTV footage from the relevant locations, extracting photographs from the footage and issuing the certificate under Section 65B of the Indian Evidence Act. The evidence of PW5 establishes the genuineness and admissibility of the electronic records relied upon by the prosecution.

21. PW6, the Investigating Officer, has deposed regarding the registration of the case, inspection of the scene of occurrence, collection of CCTV footage, tracing of the accused, recovery of the stolen property and the Test Identification Parade. His evidence finds corroboration from the testimonies of PW1 to PW5 as well as the documentary evidence marked on the side of the prosecution.

22. It is pertinent to note that the occurrence took place on 23.08.2023 and the accused were apprehended within a short span of time. The stolen gold chain was

also recovered shortly thereafter. The prompt recovery of the snatched chain coupled with the successful identification of the accused during the Test Identification Parade forms a complete chain of circumstances connecting the accused with the crime.

23. There is no material inconsistency found in the cross-examination of PW1. Nothing has been elicited during her cross-examination to probabalise the defence theory of false implication. No previous enmity or motive has been suggested against PW1 for falsely implicating the accused. Being the victim of the occurrence, PW1 has clearly identified both the accused as well as the stolen property. The evidence of PW1 is natural, cogent and trustworthy. Further, the photographs extracted from the CCTV footage corroborate the version of PW1 and support the prosecution case by showing the movements of PW1 and the accused in the relevant area at the relevant time.

24. On a cumulative appreciation of the entire oral and documentary evidence, this Court finds that the testimony of PW1 is natural, trustworthy and inspires confidence, who is an eye witness to the occurrence. The same stands duly corroborated by the evidence of PW2, the recovery spoken to by PW4, the electronic evidence spoken to by PW5 and the investigation conducted by PW6. The prosecution has successfully established beyond reasonable doubt that the accused committed robbery of the gold chain belonging to PW1.

25. Accordingly, this Court holds that the prosecution has proved the charge under Section 392 IPC against both the accused beyond reasonable doubt.

VIII. DECISION:

In the result, **the accused 1 and 2 are found guilty and they are sentenced to undergo 3 Years of rigorous imprisonment and to pay the fine of Rs.15,000/- each (Total Fine Rs. 30,000/- Rupees Thirty Thousand Only) for the offence u/s. 392 of IPC, in default to pay the fine, they are sentenced to undergo 1 week simple imprisonment as per section 271(2) of BNSS. The period spent by the accused in judicial custody is liable to be set-off u/s. 468 of BNSS.**

IX. PROPERTY ORDER U/S. 498 of BNSS:

The property in PR No.338/2023 Dated 05.09.2023, 1) Gold Chain in the Arainan Kairu Model weight of 4 Sovereign -1, which was already handed over to the petitioner in an interim custody Crl.M.P.No.2686/2023 Dated 05.09.2023, the same is made absolute after the period of appeal. 2) Light Orange Colour Shirt and Black Colour Pant -1 and the same shall be destroyed after the period of appeal 3) Pulsar NS 200 Vehicle without registration number plate, which is ordered to be handed over to the owner in an interim custody Crl.M.P.No. 3543/2023 Dated 30.11.2023, but he failed to furnish surety and receive as interim custody. Hence, the same shall be handed over to the owner of the vehicle after the period of appeal. 4) Helmet -1, 5) Dark Blue Colour Shirt and Black Colour Pant -1 and the same shall be destroyed after the period of appeal.

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

Judicial Magistrate,
Avinashi.

For Prosecution Witnesses:

Prosecution Witness No	Name of Witness	Description
1.	Eswari	Complainant
2.	Ilango	Hearsay Witness
3.	Velusamy	Observation Mahazar Witness
4.	Raja	Confession and Seizure Mahazar

		Witness
5.	Sivakumar	Other Witness
6.	Vasanthakumar	Investigating Officer

For Prosecution Documents:

Exhibit No	Description of the Exhibit	Proved by/Attested by
1	Complaint	PW1
2	Photo of the accused	PW1
3	Photo of the Jewel	PW1
4	Photo of the Dresses	PW1
5	Photo of the accused Vehicle	PW1
6	Observation Mahazar	PW3
7	1 st Witness signature in the confession statement of accused Siva	PW4
8	1 st Witness signature in the confession statement of accused Subbaiya @ Sudha	PW4
9	Seizure Mahazar (Dress of the accused, Vehicle and Helmet)	PW4
10	Seizure Mahazar (4 Sovereign of Gold)	PW4
11	U/s.65 B Certificate	PW5
12	First Information Report	PW6

13	Rough Sketch	PW6
14	Form No.91 (Nos.2)	PW6
15	CCTV Footage	PW6
16	Test Identification Parade	PW6

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.