

**IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR**

PRESENT: **Thiru.P.Velmurugan, B.A.,B.L.,**  
Principal Sessions Judge, Thanjavur.

Wednesday, the 8<sup>th</sup> day of April, 2026  
(Thiruvalluvarandu 2057 Sri Visuvavasu Varudam Panguni Thingal 25<sup>th</sup> day)

**Sessions Case No.193/2025**  
**CNR No.TNTJ01 004228 2025**

(PRC.No.35/2024 of Judicial Magistrate, Thiruvaiyaru)  
(Thiruvaiyaru Police Station Cr.No.244/2024)

Complainant	:	State represented by the Inspector of Police, Thiruvaiyaru Police Station, Cr.No.244/2024.
Name and address of Accused	:	Thulasi (Thulasiraman), aged 46/2026, S/o. Periyasamy, North Street, Anthanakurichi, Thiruvaiyaru.
<b>1<sup>st</sup> charge</b>	:	Possession of prohibited weapon – punishable u/s 25(1A) of Arms Act
<b>2<sup>nd</sup> Charge</b>	:	Abusing in filthy language – Punishable u/s 294(b) of IPC
<b>3<sup>rd</sup> Charge</b>	:	Causing criminal intimidation with deadly weapon – Punishable u/s 506(ii) of IPC
Plea of the Accused	:	Not Guilty
Finding of the Court	:	Not Guilty
Sentence or order of this Court	:	In the result, the accused is not found guilty for the offences u/s 25(1-A) of Arms Act and Sections 294(b), 506(ii) of

	<p>IPC and he is acquitted u/s 258(1) of BNSS. The bail bond, if any executed by the accused, is ordered to be cancelled after the appeal time is over.</p> <p>After the appeal time is over or after the disposal of the appeal, if there be any, the case property, which was marked as MO1 in SCP No.30/2025, is ordered to be destroyed as that material object is of no use.</p>
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**Details of Case summary:-**

1.	Name of the Police Station and the Crime number of the offence	:	Thiruvaiyaru P.S. Cr.No.244/2024
2.	Name of the accused	:	Thulasi (Thulasiraman)
3.	Father's Name of the accused	:	Periyasamy
4.	Occupation of the accused	:	Agriculturist
5.	Residence of the accused	:	North Street, Anthanakurichi, Thiruvaiyaru,
6.	Age of the accused	:	46/2026
7.	Date of occurrence	:	27.04.2024
8.	Date of complaint	:	27.04.2024
9.	The period of remand of the accused	:	From 27.04.2024 to 24.05.2024
10.	The date of committal of the case	:	07.04.2025
11.	The date of Questioning of the accused u/s 228 of CrI.P.C.	:	09.09.2025

12.	Date of examination of accused u/s 351(1)(b) of BNS.	:	27.02.2026
13.	Commencement of trial	:	26.11.2025
14.	Close of trial	:	27.02.2026
15.	Sentence or order	:	08.04.2026
<b>16. Criminal Miscellaneous Petitions filed by the accused</b>			
	<b>Petitions</b>		<b>CrI.M.P.No.</b>
			<b>Date of Filing</b>
			<b>Date &amp; nature of Disposal</b>
			<b>NIL</b>
<b>Date of examination in chief and cross examination of a witness:-</b>			
	<b>Name of the witnesses</b>	<b>Date of Chief examination</b>	<b>Date of cross examination</b>
PW1	Anthony Amalraj	26.11.2025	26.11.2025
PW2	Ashok	26.11.2025	26.11.2025
PW3	Kalimuthu	26.11.2025	26.11.2025
PW4	Sharmila, Inspector of Police	23.02.2026	23.02.2026

This Sessions Case came up before me for final hearing on 16.03.2026 in the presence of Mr.S.Sathiamoorthy, Learned Public Prosecutor appearing for the State and of Mr.J.Manikandan, Learned Counsel appearing for the accused and upon hearing the arguments of both sides and upon perusing the records and having stood over till this day for consideration, this court delivered the following,

### **JUDGMENT**

1. The Inspector of Thiruvaiyaru Police Station laid a final report against the accused as follows:

On 27.04.2024, at about 12.30 Hours, opposite to the farm of one Sivagnanam situated at KasthuriBai Nagar in Thanjavur to Ariyalur Bypass road, the accused rotated a long sword like a knife, by stating as if he is a big rowdy already went to jail after committing a murder and also he abused the two wheeler riders in filthy language, and threatened them by showing the above said long sword and therefore, the accused committed the offences punishable under Section 25(1A) of the Arms Act, 1959 and Sections 294(b), 506(ii) of IPC.

2. On receipt of Final Report, the Learned Judicial Magistrate, Thiruvaiyaru has taken up the case on file as PRC No.35/2024 for the offences u/s 294(b), 506(ii) of IPC and Section 25(1A) of Arms Act and then, as contemplated u/s 207 of CrI.P.C., copies of documents were furnished to the accused and thereafter, the Learned Judicial Magistrate, Thiruvaiyaru committed the case to this Sessions Court as if the offence u/s 25(1A) of Arms Act, 1959 is exclusively triable by the Court of Sessions.

3. On receipt of case records from the Committal Court, this Principal Sessions Court, Thanjavur has taken up the case on file as S.C.No.193/2025 and after making the appearance of the accused, this court has framed charges as against the accused for the offences u/s 25(1A) Arms Act and Sections 294(b), 506(ii) of IPC. When the charges were explained to the accused, he pleaded not guilty and claimed to be tried.

4. In order to prove the Charges framed against the accused, the prosecution examined four witnesses as PW1 to PW4 and marked five documents as Ex.P1 to Ex.P5 and one material object as MO1.

5. **The brief case of the prosecution from its oral and documentary evidence, is as follows:-**

5.1) On 27.04.2024 at about 12.30 Hours, when PW4 Sharmila, then Inspector of Police of Thiruvaiyaru Police Station along with the police party viz. PW1 Anthony Selvaraj and PW2 Ashok, was on patrol duty and when they reached opposite to the farm of one Sivagnanam situated at Kasthuri Bai Nagar in Thanjavur to Ariyalur Bypass road, the accused abused in filthy language and threatened the two wheeler riders by rotating MO1 long sword. Therefore, the police party caught and enquired him. Since none of the independent witnesses came forward to stand as witness, PW4 enquired him in the presence of the witnesses PW1 and PW2 and seized the MO1 long sword from him under Ex.P1 seizure mahazar.

5.2) Thereafter, PW4 brought the accused to the police station, registered the case in Cr.No.244/2024 for the offence u/s 294(b), 506(ii) of IPC and Section 25(1A) of Arms Act under Ex.P3 First Information Report. On the same day at 14.30 Hours, PW4 visited the occurrence place in the presence of the witnesses PW3 Kalimuthu and Thyagarajan and prepared Ex.P2 Observation Mahazar and Ex.P4 Rough sketch. She

enquired the witnesses PW1 to PW3 and Thyagarajan and recorded their respective statements. PW4 sent the accused to court for remanding to judicial custody and sent MO1 to Court vide Ex.P5 Form 95 through Sujatha, Head Constable, and then enquired the said Sujatha and recorded her statement. After completion of investigation, on 11.06.2024, PW4 filed charge sheet against the accused for the offences punishable u/s 25(1A) of Arms Act and Sections 294(b), 506(ii) of IPC.

6. After completion of the prosecution evidence, the accused was questioned u/s 351(1)(b) of BNSS regarding the incriminating circumstances, evidences and materials found against him and the accused denied them as false. On the side of the accused, no oral evidence was let in and no documentary evidence was adduced.

7. On perusal of the materials and records and the evidence of the prosecution side witnesses, the following point arise for determination of the case:-

- 1) Whether the prosecution has proved its case against the accused beyond all reasonable doubts?

8. The Learned Public Prosecutor has submitted that in order to prove the case, the prosecution has examined the witnesses PW1 to PW4 and marked the documents Ex.P1 to Ex.P5 and material object MO1. He further submitted that the evidence of the witnesses, documents and material object clearly proved the guilty of

the accused for the alleged offence and hence, he argued for convicting the accused with maximum sentence.

9. Per contra, the Learned Counsel appearing for the accused has submitted that all the prosecution witnesses, except the observation mahazar witness, are official witnesses and though the occurrence place is a crowded place, none of the independent witness was enquired by the investigating officer. He further submitted that the Ex.P1 Seizure mahazar is said to have been prepared prior to the registration of the case, but the crime and section of law has been mentioned in the same, further it does not contain the signature of the accused, which creates doubt over the recovery of the alleged weapon from the accused and therefore, the prosecution has miserably failed to prove the guilt of the accused beyond reasonable doubt and so, the accused is entitled for the benefit of doubt and hence, he argued for acquittal of the accused.

10. I have carefully considered the arguments advanced on either sides and perused the records.

**Point :**

11. In order to prove the case of the prosecution, PW1 to PW4 were examined. Admittedly, PW1, PW2 and PW4 are official witnesses. According to the prosecution, since none of the independent witness came forward to stand as witness, PW4 recovered the MO1 sword under Ex.P1 seizure mahazar in the presence of PW1 and PW2. Whereas PW1 and PW2 are official witnesses as well as subordinates of

PW4 and therefore, they would naturally support the case of the prosecution. Further, PW1 and PW2 admitted in their cross-examination that independent witnesses were present in the place of occurrence at the time of occurrence, but PW1 stated that no notice was issued to them to call for them to stand as witness, and PW2 stated that he did not know as to whether any notice was issued to them by the investigating officer to stand as witness. Therefore, the reason stated by PW4 is not sufficient to accept the non-examination of independent witnesses.

12. PW3, who is the attesting witness of observation mahazar, deposed that he put his signature as required by the police for preparation of rough sketch. Therefore, no evidence of independent witness is available on the side of the prosecution to prove the guilt of the accused.

13. As per the case of prosecution, PW4 seized Ex.P1 long sword under Ex.P1 seizure mahazar in the presence of PW1 and PW2 at the place of occurrence, thereafter she brought the accused to the police station and then only, she registered the case. Whereas on perusal of Ex.P1 seizure mahazar, the crime number and section of law have been mentioned in Ex.P1 as pointed out by the Learned Counsel for the accused and the same was admitted by PW1 and PW2 during their cross-examination. Further, Ex.P1 does not contain the signature of the accused. Therefore, the genuineness of the seizure of MO1 from the accused under Ex.P1 is doubtful.

14. Further, the Learned Counsel appearing for the accused argued that the investigating officer himself is the complainant of this case, which caused a serious doubt on the fairness of the investigation. Admittedly, no complaint has been

received against the accused from any individual person. The prosecution has not placed any convincing material to show that even the complainant and the investigating officer are same person, the investigation was conducted in a fair and impartial manner, which also creates doubt over the case of the prosecution.

15. Further, this Court has to determine whether the possession of the sickle by the accused falls within the ambit of a *prohibited arm* under Section 25(1A) of the Arms Act, 1959. For better understanding, the relevant provision is extracted hereunder:

**Section 25(1A), Arms Act, 1959:**

*“Whoever acquires, has in his possession, or carries any prohibited arms or prohibited ammunition in contravention of Section 7 shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to ten years, and shall also be liable to fine.”*

In the present case, it is the bounden duty of the prosecution to establish that the weapon allegedly possessed by the accused falls under the category of a *prohibited weapon*. However, the prosecution has not produced any material or notification issued by the competent authority to substantiate that the said long sword is a prohibited weapon under the Act. No relevant government order declaring it as prohibited weapon has been placed before this Court during the course of the trial. Therefore, the prosecution has failed to establish that the accused was in possession of any prohibited weapon for the commission of the alleged offences.

16. In view of the foregoing discussion, this Court observes that there is no independent witness or evidence available on record to establish that the accused was in possession of any prohibited weapon at the time of occurrence and he abused in filthy language and threatened the public. Hence, this Court finds that the prosecution has miserably failed to prove the charges under Section 25(1A) of the Arms Act, 1959, and sections 294(b), 506(ii) of IPC beyond all reasonable doubt and this court grants the benefit of doubts to the accused and holds that the accused is not guilty for the alleged offences. Hence, the accused is acquitted from the charges framed against him. The point is answered accordingly.

17. In the result, the accused is not found guilty for the offences u/s 25(1A) of the Arms Act, 1959, and sections 294(b), 506(ii) of IPC and he is acquitted u/s 258(1) of BNSS. The bail bond, if any executed by the accused, is ordered to be cancelled after the appeal time is over.

18. After the appeal time is over or after the disposal of the appeal if there be any, the case property, marked as MO1 in SCP No.30/2025, is ordered to be destroyed as that material object is of no use.

Dictated to the Stenographer Grade-I of this Court, directly typed by her in Computer, corrected and pronounced by me in open court this the 8<sup>th</sup> day of April, 2026.

**Principal Sessions Judge,  
Thanjavur.**

**Witnesses examined on the side of the Prosecution:**

PW1 Anthony Amalraj Head Constable  
PW2 Ashok Police Constable  
PW3 Kalimuthu  
PW4 Sharmila, Inspector of Police Inspector of Police

**Documents marked on the side of the Prosecution:-**

Ex.P1 27.04.2024 Seizure Mahazar  
Ex.P2 27.04.2024 Observation Mahazar  
Ex.P3 27.04.2024 First Information Report  
Ex.P4 27.04.2024 Rough sketch  
Ex.P5 27.04.2024 Form 95

**Material Object marked on the side of the Prosecution:-**

M.O.1 Long sword

**Witness examined on the side of the Accused :-** None.

**Documents marked on the side of the Accused:-** Nil

PSJ

Draft /Fair Copy of Judgment in

S.C.No. 193/2025

PSJ Court, Thanjavur.

D.O.J : 08.04.2026