

In the Court of the Additional District Judge / Presiding Officer,

Special Court under Essential Commodities Act, Thanjavur.

Present:- **Thiru. G. Sundararajan, B.Sc., B.L.,**

Additional District Judge/ Presiding Officer.

Special Court under Essential Commodities Act, Thanjavur.

Saturday, the 18th day of April 2026.

2057 Thiruvalluvarandu Parabava Year Chithirai Thingal 5th day

Sessions Case No.205/2025

CNR.No.TNTJ010049892025

Complainant	State represented by The Inspector of Police, Thanjavur Taluk Police Station, Cr.No.27/2020.
Name of the accused	1) Karthik, 25/2020 S/o.Mani, JJ Nagar, Kottapattu, Ponmalai patti, Trichy. 2) Isakkimuthu Pandiyan, 34/2020, S/o.Sivasubramaniam, No.18 A Periyar Street, Veeravanallur, Ambasamuthiram, Tirunelveli. 3) Rajapandi, 19/2020, S/o.Pandeesvaran, Paarai Street, Melakottai, Chinamalaipatti, Dindugal. 4) Vignesh, 27/2020, S/o.Muthukrishnan, No.03/943E, SVM Illam, Maruthi Nagar, Kayarlabath, Ariyalore. 5) Saminathan, 21/2020, S/o.Shanmugam,

	Appalakara Street, Ammanpettai, Thanjavur.
Charges framed	Accused A1 to A5 – U/s.399 IPC
Plea of the accused	Accused A1 to A5 denied the charges and pleaded not guilty.
Final Order	<p>In the result, the accused A1 to A5 are found not guilty U/s.399 IPC and hence they are acquitted U/s.258(1) of BNSS. The Bail granted to the accused A1 to A5 and the Bail Bond executed by the accused A1 to A5 and their sureties are stand cancelled.</p> <p>The case properties MO1 to MO.4 produced in SCP No.20/2026 are ordered to be destroyed after expiry of appeal time.</p>

Details of Case summary:-		
1.	Name of the Police Station and the Crime number of the offence	: Thanjavur Taluk Police Station, Cr.No.27/2020.
2.	Name of the accused	A1 - Karthik, A2 - Isakkimuthu Pandiyan, A3 - Rajapandi, A4 - Vignesh, A5 - Saminathan,
3.	Father's Name of the accused	A1 - S/o.Mani A2 - S/o.Sivasubramaniyan A3 - S/o.Pandeesvaran A4 - S/o.Muthukrishnan

		A5 - S/o.Shanmugam
4.	Occupation of the accused	Labourer
5.	Residence of the accused	A1 - JJ Nagar, Kottapattu, Ponmalai patti, Trichy. A2 - No.18 A Periyar Street, Veeravanallur, Ambasamuthiram, Tirunelveli. A3 - Paarai Street, Melakottai, Chinamalaipatti, Dindugal. A4 - No.03/943E, SVM Illam, Maruthi Nagar, Kayarlabath, Ariyalore. A5 - Appalakara Street, Ammanpettai, Thanjavur.
6.	Age of the accused	A1 - 25/2020 A2 - 34/2020 A3 - 19/2020 A4 - 27/2020 A5 - 21/2020
7.	Date of occurrence	11.02.2020
8.	Date of complaint	11.02.2020
9.	The period of remand of the accused	A1 – 12.02.2020-03.03.2020 A2 - 12.02.2020-03.03.2020 A3 - 12.02.2020-28.02.2020 A4 - 12.02.2020-28.02.2020 A5 - 12.02.2020-28.02.2020
10.	The date of committal of the case	09.04.2025
11.	The date of Questioning of the accused u/s 251 of BNSS	25.02.2025, sec.399 IPC.
12.	Date of examination of accused u/s 351(1)(b)	28.03.2026

	of BNSS.			
13.	Commencement of trial		10.03.2026	
14.	Close of trial		25.03.2026	
15.	Sentence or order		The accused A1 to A5 are found not guilty U/s.399 IPC and hence they are acquitted U/s.258(1) of BNSS . The Bail granted to the accused A1 to A5 and the Bail Bond executed by the accused A1 to A5 and their sureties are stand cancelled.	
16. Criminal Miscellaneous Petitions filed by the accused				
	Petitions		CrI.M.P.No	Date of Filing
			-- NIL --	Date & nature of Disposal
Date of examination in chief and cross examination of a witness:-				
	Name of the witnesses		Date of Chief examination	Date of cross examination
PW1	Thiru.Karunaharan		10.03.2026	10.03.2026
PW2	Tmt.Dhanalakshmi		10.03.2026	10.03.2026
PW3	Thiru.Kazhaniyappan		25.03.2026	25.03.2026

This Sessions Case has come up before me for final hearing on 17.04.2026 in the presence of Thiru.N.Ranjith, Special Public Prosecutor appearing for the Complainant and of Thiru.T.Vikram, Advocate appearing for the accused A1 to A5 and upon hearing both sides and upon perusing available material records and having stood over for consideration till date, this Court passed the following....

JUDGMENT

The Inspector of Police, Thanjavur Taluk Police Station has laid a final report before the Judicial Magistrate court No.II, Thanjavur by stating that on 11.02.2020 at 12.00 hours the accused A1 to A5, having dangerous weapons and were sitting in circle behind the Shivan temple, Surakkottai and conspired to commit decoity for money in order to protect their friend Surakottairaja. Therefore, the accused A1 to A5 appeared to have committed the offences punishable U/s.399 IPC.

2) The learned Judicial Magistrate No.II, Thanjavur taken the case on file in PRC No.59/2020 and ordered summons to the accused A1 to A5. On summons, the accused A1 to A5 are appeared in persons. Copies and other documents were furnished to the accused A1 to A5. On considering the case materials and documents, the learned Judicial Magistrate No.II, Thanjavur came to conclusion that the case is exclusively triable by the court of Sessions and committed the case to the Principal Sessions Judge, Thanjavur. The Principal Sessions Judge had taken the case on file in SC.205/2025 against the accused A1 to A5 and made-over by the Principal Sessions Judge, Thanjavur to this court for disposal according to law.

3) On appearance of the accused A1 to A5 before this Court, considering the case materials and documents available in this case and

also hearing the submissions made by both side, found that there is prima facie case made out against the accused A1 to A5 for the offence U/s.**399 IPC** and thus, charge **u/s.399 IPC** framed against the accused A1 to A5, the charge was explained to the accused A1 to A5 and when the accused A1 to A5 were questioned about the charge laid against them, they had denied the charge and claimed to be tried.

4) Since the accused A1 to A5 denied the charge levelled against them, hence the prosecution was ordered to commence the trial. The prosecution in order to prove the case, examined 3 witnesses as P.W.1 to P.W.3, produced 4 documents as Ex.P.1 to Ex.P.4 and material objects M.O.1 to M.O.4 were marked.

5) **The brief averments of the evidence of the prosecution witnesses as follows:**

The PW3 Thiru.Kazhaniyappan, Inspector of police, Taluk police station, Thanjavur while he was patrolling duty on 11.02.2020 at 12.00 hours along with his police parties PW1 Thiru.Karunakaran, Head Constable, Thiru.Parathasarathi, Sub Inspector of police and Thiru.Muthuvel, Special Sub Inspector of Police within the limit of Thanjavur Taluk police station, received secret information as 5 persons were having dangerous weapons and sitting in circle and conspiring to

commit decoity behind the Shivan temple, Surakkottai and they proceeded to the occurrence place and looked at them, where the accused talked themselves as they would commit decoity for money in order to protect their friend Surakottairaja and he and his police team caught hold them and they had Aruval-2, Sword-1, rod-1, wooden logs-1. Then, on enquiry, they spelled their name as Karthik, Easkkimuthupandiyan, Rajapandi, Vignesh, Saminathan with their addresses, who are the accused A1 to A5. Then, he arrested the accused A1 to A5. Then, he brought the accused A1 to A5 to the police station along with properties and registered a case in Cr.No.27/2020, u/s.399 IPC, the **Ex.P2** is the First Information Report. Then, the accused A1 voluntarily confessed a statement in the presence of PW1 Thiru.Karunakaran and Thiru.Muthuvel and recorded the same. Then, he seized the MO.1 Aruval 2 Nos. MO.2 Sword, MO3 rod and MO4 Wooden log under seizure mahazar **Ex.P1** in the presence of aforesaid witnesses. Then, he went to the occurrence place at 16.00 hours, prepared observation mahazar **Ex.P3** and Rough Sketch **Ex.P4** in the presence of independent witnesses Ramalingam and Dhanalakshmi (not examined). Then, he sent the accused A1 to A5 for remand. Then, he examined PW1 Thiru.Karunakaran, Thiru.Parthasarathi, Thiru.Ramalingam, Tmt.Dhanalakshmi and Thiru.Muthuvel and recorded their statements and

after completing his investigation laid a final report against the accused A1 to A5 u/s.399 IPC.

6) Examination of accused under section 351(1)(b) of BNSS:-

From and out of the oral evidence of PW1 to PW3 and Ex.P1 to Ex.P4 and MO1 to MO4, the evidences which incriminate the accused A1 to A5 on the charges framed them, prepared in questions as envisage U/s.351(1)(b) of BNSS. which were explained to them and they were examined thereafter. The accused A1 to A5 replied that the evidences are false and false case registered against them, but they have not let in any oral or documentary evidences.

7) Now the points that arise for determination of the case is :-

1)	Whether the prosecution has proved the charge levelled against the accused A1 to A5 U/s.399 IPC beyond all reasonable doubts?
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8) Consideration of Point:

The case of the prosecution is that the PW3 Thiru.Kazhaniyappan, Inspector of police was on patrolling duty along with this police parties within the limit of Thanjavur Taluk police station, at noon 12.00 hours, received secret information from his informant and then, he rushed to the spot along with his police parties and found the accused A1 to A5 were

sitting in circle having MO1 to MO4 weapons and talking each other to commit dacoity for money to protect their friend Surakottairaja. Then, the PW3 caught hold the accused A1 to A5 along with his police parties and brought them to the police station along with the properties and registered a case and thereafter recorded the confession statement of the accused A1 and then seized the MO1 to MO4 weapons under the seizure mahazar Ex.P1. The PW1 who associated with the PW3 at the occurrence place also deposed corroborating the evidence of PW3. So, the evidence of PW1 & PW3 proved that the accused A1 to A5 are conspired to commit dacoity. Therefore, the accused A1 to A5 are liable to be punished u/s. **399 IPC**.

9) The Learned counsel appearing for the accused A1 to A5 would submit that the accused A1 to A5 are having previous cases and thus, the PW3 has laid a false case against them for statistical purpose.

10) The Learned counsel appearing for the accused A1 to A5 would further submit that the accused A1 to A5 were arrested at 12.00 hours and then brought them to the police station and registered a case, but the PW3 has not prepared any arrest memo before the arrest of the accused persons at the occurrence place and admitted that the arrest memos were prepared only at the police station. So no documents prepared at the occurrence

place and all the documents are created only at the police station for the purpose of this case.

11) The Learned counsel appearing for the accused A1 to A5 would further submit that the prosecution has not examined any independent witness to prove the occurrence and prayed to acquit the accused A1 to A5.

12) Before going into discussion of evidences and documents, it is appropriate to incorporate the provision u/s.399 IPC, which reads as

Making preparation to commit dacoity – Whoever, makes any preparation for committing dacoity, shall be punished with rigorous imprisonment for a term which may extend to ten years and shall also be liable to fine.

So, the provision is clear as preparation for committing dacoity is an offence, in this case, the PW3 Thiru.Kazhanyappan, Inspector of police, who is the raiding officer, the PW1 Thiru.Karunakaran, Sub Inspector of police who associated with the PW3 to the spot. The PW3 in his evidence stated that on 11.02.2020 at 12.00 A.M. when he along with the PW1 Thiru.Karunakaran, Head Constable, Thiru.Parathasarathi, Sub Inspector of police and Thiru.Muthuvel, Special Sub Inspector of Police were patrolling duty, received secret information as five persons were sitting in

circle behind the Shivan temple, Surakkottai and conspired to commit decoity. The PW1 Thiru.Karunakaran, then, Head constable also stated when he was associated with the PW3 for patrolling duty at noon 12.00 hours, the PW3 received secret information and thereafter rushed to the spot. So, as per the evidence of PW1 & PW3 secret information was received at noon 12.00 hours. The arrest time of the accused A1 to A5 also shown as noon 12.00 hours. Admittedly, the place of receipt of secret information and the place of arrest of the accused are not one and the same as stated by the PW3. If it is so, how can the time of arrest and the time of receipt of secret information would be same at 12.00 hours. The confession statement of the accused A1 alleged to be prepared at 12.00 hours after the registration of FIR at the police station. The weapons also allegedly to be seized at the police station, but the signature of the accused persons did not find place. So no documents prepared at the occurrence place to prove the allegedly occurrence and no independent witnesses were examined. The examined observation mahazar PW2 turned hostile and not supported the prosecution case. Even the arrest memos also prepared by the PW3 only at the police station and not at the occurrence place and there is no reason assigned by the PW3 as to why he has not prepared any documents at the occurrence place to prove the case and no independent witnesses were

available to corroborate the evidence of PW3, which creates doubts over the prosecution case. So, the available evidence is not sufficient to prove the charge against the accused A1 to A5. In such circumstances, this court comes to the conclusion that the prosecution failed to prove the offence charged against the accused A1 to A5 u/s.399 IPC beyond reasonable doubts and thus, the accused A1 to A5 are entitled to be acquitted.

13) In the result, the accused A1 to A5 are found not guilty **U/s.399 IPC** and hence they are acquitted **U/s.258(1) of BNSS**. The Bail granted to the accused A1 to A5 and the Bail Bond executed by the accused A1 to A5 and their sureties are stand cancelled.

The case properties MO1 to MO.4 produced in SCP No.20/2026 are ordered to be destroyed after expiry of appeal time.

The Judgment was dictated to the Steno-typist, who directly typed into computer and printed out by her, corrected and pronounced by me in the open court, today, that is, **18th** day of **April 2026**.

Additional District Judge/Presiding Officer,
Special Court under E.C. Act, Thanjavur.

I. Witnesses examined by the Prosecution:-

Rank of the Witne	Date of Examination of Witnesses	Name of the Witness

PW1	10.03.2026	Thiru.Karunakaran, Head Constable
PW2	10.03.2026	Tmt.Dhanalakshmi
PW3	25.03.2026	Thiru.Kazhaniyappan, Inspector of Police

II. Exhibits marked by Side of Prosecution:-

Sl. No.	Ex.No.	Date	Documents
1)	Ex.P1	20.02.2020	Seizure mahazar
2)	Ex.P2	20.02.2020	First Information Report
3)	Ex.P3	20.02.2020	Observation mahazar
4)	Ex.P4	20.02.2020	Rough Sketch

III. List of material Objects marked by the Prosecution side:

MO.1	Aruval -2
MO.2	Sword-1
MO.3	Iron Rod-1
MO.4	Wooden log-1

IV. Defence side witnesses and Exhibits: Nil

Additional District Judge/Presiding Officer,
Special Court under E.C. Act, Thanjavur.

Draft/Fair judgment
SC.No.205/2025
dated: 18.04.2026
EC court, TNJ