

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR

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

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

Sessions Case No.234/2025
CNR No.TNTJ01 005913 2025

(PRC.No.6/2025 of Judicial Magistrate, Thiruvaiyaru)
(Thiruvaiyaru Police Station Cr.No.542/2024)

Complainant	:	State represented by the Inspector of Police, Thiruvaiyaru Police Station, Cr.No.542/2024.
Name and address of Accused	:	Karthik, aged 25/2026, S/o. Neducheliyan, SambanKovil Street, Kalyanapuram 1st Sethi, Thiruvaiyaru Taluk, Thanjavur District.
1st charge	:	Abusing in filthy language – Punishable u/s 296(b) of BNS
2nd Charge	:	Causing criminal intimidation with deadly weapon – Punishable u/s 351(3) of BNS
3rd Charge	:	Possession of prohibited weapon – punishable u/s 25(1A) of Arms Act
Plea of the Accused	:	Not Guilty
Finding of the Court	:	Not Guilty

Sentence or order of this Court	:	<p>In the result, the accused is not found guilty for the offences u/s 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act 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.26/2025, is ordered to be destroyed as that material object is of no use.</p>
Details of Case summary:-		
1.	Name of the Police Station and the Crime number of the offence	: Thiruvaiyaru P.S. Cr.No.542/2024
2.	Name of the accused	: Karthik
3.	Father's Name of the accused	: Neducheliyan
4.	Occupation of the accused	: Agriculturist
5.	Residence of the accused	: SambanKovil Street, Kalyanapuram 1st Sethi, Thiruvaiyaru Taluk, Thanjavur District.
6.	Age of the accused	: 25/2026
7.	Date of occurrence	: 19.10.2024
8.	Date of complaint	: 19.10.2024

9.	The period of remand of the accused	:	From 19.10.2024 to 03.12.2024		
10.	The date of committal of the case	:	03.06.2025		
11.	The date of Questioning of the accused u/s 251 of BNSS	:	18.09.2025		
12.	Date of examination of accused u/s 351(1)(b) of BNS.	:	25.02.2026		
13.	Commencement of trial	:	21.01.2026		
14.	Close of trial	:	24.03.2026		
15.	Sentence or order	:	08.04.2026		
16. Criminal Miscellaneous Petitions filed by the accused					
	Petitions		CrI.M.P. No.	Date of Filing	Date & nature of Disposal
			NIL		
Date of examination in chief and cross examination of a witness:-					
	Name of the witnesses		Date of Chief examination		Date of cross examination
PW1	Ignatious Daniel, Grade II PC		21.01.2026		21.01.2026
PW2	Mohan, Grade II PC		21.01.2026		21.01.2026
PW3	Iniya Suresh		21.01.2026		21.01.2026
PW4	Muruganandham		21.01.2026		21.01.2026
PW5	Annakkili, SI of Police		18.02.2026		18.02.2026

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.R.Parthasarathy, 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 19.10.2024, at about 07.00 Hours, near KasthuriBai Nagar in Thiruvaiyaru to Vilangudi Road, the accused abused in filthy language and threatened the public with a long sword by stating as if he is a big rowdy and he would kill anybody questioned him and therefore, the accused committed the offences punishable under Sections 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act.

2. On receipt of Final Report, the Learned Judicial Magistrate, Thiruvaiyaru has taken up the case on file as PRC No.6/2025 for the offences 296(b), 351(3) of BNS and Section 25(1-A) 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.234/2025 and after making the appearance of the accused, this court has framed charges as against the accused for the offences u/s 296(b), 351(3) of BNS and Section 25(1-A) of

Arms Act. 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 five witnesses as PW1 to PW5 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 19.10.2024 at about 07.00 AM, on receipt of information, PW5 Annakkili, Sub-Inspector of Police of Thiruvaiyaru Police Station along with the police party viz. PW1 Ignatious Daniel, Grade II PC and PW2 Mohan, Grade II PC, went near KasthuriBai Nagar in Thiruvaiyaru to Vilangudi Road, the accused abused in filthy language and threatened the public with MO1 long sword. Therefore, the police party caught and enquired him. PW5 visited the occurrence place in the presence of the witnesses PW3 Iniya Suresh and PW4 Muruganandham and prepared Ex.P2 Observation Mahazar and Ex.P3 Rough sketch.

5.2) PW5 arrested the accused and enquired him in the presence of the witnesses PW1 and PW2 and seized the MO1 long sword from him under Ex.P1 seizure mahazar at about 9.15 Hours. PW5 brought the accused to the police station, registered the case in Cr.No.542/2024 for the offence u/s 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act

under Ex.P4 First Information Report. PW5 sent the accused to court for remanding to judicial custody and sent MO1 to Court vide Ex.P5 Form 95. Thereafter, PW5 enquired the witnesses PW1 to PW4 and recorded their respective statements. After completion of investigation, on 11.06.2024, PW5 filed charge sheet against the accused for the offences punishable u/s 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act.

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 PW5 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 witnesses, 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 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 PW5 were examined. Admittedly, PW1, PW2 and PW5 are official witnesses. According to the prosecution, since none of the independent witness came forward to stand as witness, PW5 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 PW5 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 they stated that the investigating officer did not call for them to stand as witness and no notice was served to them by the investigating officer. Therefore, the reason stated by PW5 is not sufficient to accept the non-examination of independent witnesses.

12. PW3 and PW4 are the attesting witness of observation mahazar and they deposed that they stood as witness for the preparation of observation and in view of their evidence, the place of occurrence is proved. However, 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, PW5 seized Ex.P1 long sword under Ex.P1 seizure mahazar in the presence of PW1 and PW2 from the accused at the place of occurrence. Whereas on perusal of Ex.P1, it does not contain the signature of the accused as pointed out by the Learned Counsel for the accused and the same was admitted by PW1 and PW5 during their cross-examination. 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 u/s 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act 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 296(b), 351(3) of BNS and Section 25(1-A) of Arms Act 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, which was marked as MO1 in SCP No.26/2025, 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 8th day of April, 2026.

**Principal Sessions Judge,
Thanjavur.**

Witnesses examined on the side of the Prosecution:

PW1 Ignatious Daniel, Grade II PC

PW2 Mohan, Grade II PC

PW3 Iniya Suresh

PW4 Muruganandham

PW5 Annakkili, SI of Police

Documents marked on the side of the Prosecution:-

Ex.P1 19.10.2024 Seizure Mahazar

Ex.P2 19.10.2024 Observation Mahazar

Ex.P3 19.10.2024 Rough sketch

Ex.P4 19.10.2024 First Information Report

Ex.P5 19.10.2024 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. 234/2025

PSJ Court, Thanjavur.

D.O.J : 08.04.2026