

**IN THE COURT OF II ADDITIONAL DISTRICT AND SESSIONS JUDGE,
THANJAVUR.**

**Present: Thiru. P. Nagarajan, M.A.M.L
II Additional District and Sessions Judge,
Thanjavur**

Wednesday, the 1th day of March 2026

Thiruvalluvar Aandu 2057 - Masi Matham 27th day

Sessions Case No. 272/2025

Complainant	State Represented by The Sub Inspector of Police, Thanjavur Town West Police Station Cr.No. 562/2014
Name of the accused	1) Ashok kumar, Age 43, S/o.Mahendran, No.9, Lakshmi Estate, Rajagopalapuram, Pudukottai District. 2) Karthik, (Appala Karthi), Age 34, S/o. Saravanan, No.189, North Rampart, Kodimarathu Moolai, Thanjavur.
Charges framed	A1, A2 - U/s. 296(b) BNS, A1, A2 – U/s. 25(1A) Arms Act
Plea of the accused	A1, A2 - denied the charges and pleaded not guilty.
Final Order	In the result, the accused are not found guilty against the charges A1, A2 - U/s. 96(b) BNS , accused A1, A2- U/s.5(1A) Arms Act

and hence they are acquitted as per section 235(1) Cr.P.C.

Peri	Period of remand of the accused	Remanded on	Released on bail
		A1 – 01.08.2024	12-08-2024
		A2 – 01.08.2024	12-08-2024
T	Date of Questioning of the accused u/s 228 of CrI.P.C.	26.08.2025	
	Commencement of trial	19.01.2026 (CC.No.350/2024)	
	Close of trial	05.03.2026	
Da	Date of examination of accused u/s 313(1)(b) of CrI.P.C.	03.02.2026	
	Additional Public Prosecutor for the State	Thiru.Durai. Thiyagarajan	
	Advocate for accused	Thiru.R. Parthasarathi	

Criminal Miscellaneous Petitions filed by the accused

Sl.No.	Petitions	CrI. M. P. No	Date of filing	Date of Nature of Disposal
1.	2750/2024	2750/2024	07.08.2024	Allowed on 12.08.04
2.	2714/2024	2714/2024	06.08.2024	Allowed on 12.08.2024

Date of examination in chief and cross examination of a witness:-

Sl. No.	Name of the witnesses	Date of Chief examination	Date of cross examination
P.W.1	Thiru.Mudiarasan	25.04.2025	25.04.2025

P.W.2	Thiru. Maheshwaran	25.04.2025	25.04.2025
P.W.3	Thiru. Selvam	25.04.2025	25.04.2025
P.W.4	Thiru. Velayutham	29.04.2025	29.04.2025

This case was brought before this court on 05.03.2026 for final hearing and upon hearing the arguments of Additional Public Prosecutor for the State and Thiru.**R.Parthasarathi**, Advocate for the accused and on consideration of entire records and having stood over for consideration till this day, this court delivers the following..

JUDGMENT

1) The Sub Inspector of Police, Thanjavur Town West Police Station has laid a final report stating that the On 01.08.2024, at 15.00 hrs., near the cattle market in the Vadakkuvasal area of Thanjavur Town West Police Station, the two accused, riding a GRAY COLOUR ACTIVA two-wheeler with the registration number TN 55 BJ 6095, armed with deadly swords capable of killing people, hurled obscene words at the passers by, saying, "தேவடியா மகன்களா, குச்சிக்காரி மகன்களா இந்த ஏரியாவுக்கு நாங்கதாண்டா பெரிய ரௌடி", Therefore, the accused A1 and A2 appeared to have committed the offences punishable **U/s. 296(b) BNS and U/s. 25(1A) Arms Act.**

2) The learned Judicial Magistrate No.1, Thanjavur taken the case on file in PRC No.36//2025 and ordered summons to the accused copies and other documents furnished to the accused. On considering the case materials and documents, the

learned Judicial Magistrate No.1, 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.272/2015 against the both accused and made-over by the Principal Sessions Judge, Thanjavur to this court for disposal according to law.

3) On appearance of the accused 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, A2 for the offence **U/s. 296(b) BNS and u/s. 25(1A) Arms Act** charges were explained to the accused and when the accused were questioned about the charges laid against them, they had denied the charges and claimed to be tried.

4) Since the accused are denied the charge leveled against them, hence the prosecution was ordered to commence the trial. The prosecution in order to prove the case, examined 4 witnesses as P.W.1 to P.W.4, marked 8 documents as Ex.P.1 to Ex.P.8 and 3 material objects as M.O.1 to M.O.3.

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

PW.1 Mudiyarasan stated in his evidence that he is currently working as a Special Sub Inspector at Thanjavur West Police Station and that on 01.08.2024 at

14.30, Sub Inspector Mr. Velayudham received information that two people were standing near the cattle market, near the northern gate, with swords, and he and Grade I Constable Maheshwaran, Sub Inspector, went to the cattle market. When they saw us, the police, they caught the people who tried to run away and when they were questioned, they said that their names were Kumbakonam Ashok @ Ashok Kumar and another was Appala Karthi @ Karthi. They arrested them on the pretext of threatening the public by waving swords and swearing at them with obscene words. Since no public come forward to testify, PW.1, Grade I Constable Maheshwaran and the sword, who had accompanied him, seized the TN 55 6095 grey-colored vehicle owned by him and prepared a seizure report, in which he signed Ex.P.1 as a witness, and later at 16.00 the accused were brought to the station and Station Crime No. 562/2024. You asked him to testify that a First Information Report was registered under Section 296(b) BNS, Section 25(1)(a) of the Arms Act, that the accused were subjected to physical examination and handed over to the police, and that the Sub Inspector of Police questioned them regarding the incident.

6) PW.2 Maheshwaran stated in his evidence that he is now working as a Grade I Constable at Thanjavur West Police Station and that on 01.08.2024 at 14.30 hrs. while he was on duty at Thanjavur West Police Station, Sub Inspector Mr. Velayudham received a confidential information that two persons were holding swords near the Thanjavur North Gate, Cattle Market. Sub Inspector PW.2, who was

on duty there, and the Special Sub Inspector When Mr. Mudiyarasan was also seen at the scene, he was standing in a vehicle called TN 55 DJ 6095 gray color Activa and threatening the public with a sword, and he spoke obscenely to the public who passed by, saying that we are the biggest rowdy in this town and that since you were standing there waving a sword, you were arrested at 15.00 on the grounds of a crime. Since no one in the public came forward, the police party prepared a seizure report in the presence of them and in that seizure report, he and PW.1 as witnesses, and later at 16.00 he brought the accused to the station and helped the Inspector to register a case under Station Crime No. 562/2024. U/s. 296(b) BNS, 25(1)(a) Arms Act, and the Sub Inspector questioned him.

7) PW.3 Selvam deposed in his evidence that he was working as a tailor, that the signature on the observation mahazar shown to him was his, that the police had taken his signature when he went to the West Police Station for a temple festival, and that he knew nothing about the case and he was considered a false witness by the government.

7.1) PW.4 Velayutham stated in his evidence that he was working as an Assistant Inspector at the West Police Station and that on 01.08.2024 at 14.30, while he was in charge of the station, 2 persons were standing near the Thanjavur North Gate Cattle Market, Thanjavur City West Police Station, on the basis of information received,

PW.1 and PW.2 who were at the station, went to the Thanjavur North Gate Cattle Market at 14.45 to see that the person standing there was a two-wheeler with registration number TN 55 BJ 6095, a grey color, and was holding a deadly sword that could be used to kill. He was cursing at the public passing by with obscene words and saying that we are the big rowdies in this area and were acting in a way that could endanger the lives of the public. He was arrested and questioned. The weapon was seized without any proper reason. Those who were standing illegally were arrested at 15.00 on the grounds of the crime, and since no member of the public came forward to be a witness after being informed of the reason for the arrest, you were asked to testify in the presence of Special Sub Inspector Mudiyarasan and Grade I Police Constable Maheshwaran that the sword in your hand and the two-wheeler with registration number TN 55 BJ 6095 were seized in Magasar.

8) PW.4 also in his evidence stated that the police arrived at the station with the evidence and registered a case number 562/2024 S.P.296(b) BNS, 25(1)(a) Arms Act under Section 4 of the Arms Act and the evidence was sent to the court through Form 91 of Section 6 of the Arms Act. The sword is 56 cm long with a wooden handle and a brass hilt on both sides. The handle is 14 cm long. Its cutting part is 42 cm long. One of the swords is 1 year old and the other sword is 54 cm long. The wooden handle with an iron hilt is 14 cm long. The cutting part is 40 cm long. The photograph and CD of a gray two-wheeler registered as TN 55 BJ 6095 and the CD of the 3 and

coded, after going to the scene of the incident, in the presence of witnesses Selvam and Selvakumar, PW.7 Observation mahazar and PW.8 sample map were prepared and later the witnesses found in the list, PW.1 and PW.2, Selvam. Selvakumar, were examined separately and their statements were recorded, after completing his investigation, he filed a final report of the charges against the accused under 296(b) BNSS, 25(1)(a) Arms Act 1959 in this court on 09.08.2024.

9) Examination of accused under section 313(1)(b) of Cr.P.C.:-

From and out of the oral evidence of PW1 to PW4 and Ex.P1 to Ex.P.8 and MO1 to MO3, the evidences which incriminate the accused A1, A2 on the charges framed them, prepared in questions as envisage U/s.313(1)(b) of Cr.P.C which was explained to them and they were examined thereafter. The accused A1, A2 replied that the evidences are false and false case registered against them and they have let in oral or documentary evidences. No oral and documentary evidence adduced on the side of the accused.

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

Whether the prosecution has proved the charge levelled against the accused - **A1, A2 for the offence U/s. 296(b) BNSS, 25(1)(a) Arms Act** against the accused beyond all reasonable doubts?

11) Point for Consideration :

The counsel for learned Additional Public Prosecutor submitted that on 01.08.2024, at 15.00 hrs., near the cattle market in the Vadakkuvasal area of Thanjavur City West Police Station, the two accused, riding a GRAY COLOUR ACTIVA two-wheeler with the registration number TN 56 BJ 6095, armed with deadly swords capable of killing people, hurled obscene words at the passersby, saying, "தேவடியா மகன்களா, குச்சிக்காரி மகன்களா இந்த ஏரியாவுக்கு நாங்கதாண்டா பெரிய ரௌடி", Therefore, the accused A1 and A2 appeared to have committed the offences punishable U/s. 296(b) BNS and U/s. 25(1A) Arms Act. The case was proved by PW.1 to PW.4. The learned counsel for the accused has argued that the accused have no connection to this case, the prosecution laid a false case against the accused and since the accused actions have not been proven by the prosecution through private evidence, the accused should be given the benefit of doubt and acquitted of the above charges.

12) The prosecution has admitted that the incident in question was a crime that took place in a public place. In this case, it is alleged that the accused in a public place threatened passers-by by swearing obscenely and brandishing swords, etc., saying that they were big rowdies, there is no valid reason why the prosecution has failed to prove the criminal acts of the accused through individual evidence. In this case, it is revealed that the police have accused the enemies of their actions because no public person came forward in the evidence of PW.1. Therefore, this court is of the opinion

that it is doubtful whether the incident in this case could have been committed by the accused in the absence of any public person being questioned for a criminal act that took place in a public place where the public moves. From the evidence of the prosecution witnesses no individual witness not identified about the activity of both accused. From these evidences, this court comes to the conclusion that the prosecution failed to prove the charges against accused A1, A2, 296(b) BNSS, 25(1) (a) Arms Act by sufficient oral and documentary evidence and hence the accused is entitled for acquittal.

In the result, the accused are not found guilty against the charges under section **296(b) BNSS, 25(1)(a) Arms Act** and hence they are acquitted as per section 235(1) Cr.P.C. The trial court is directed to destroy the case property of M.O.1 and 2 after appeal time. P.M.O.3 GRAY COLOUR ACTIVA two-wheeler with the registration number TN 55 BJ 6095 handed over to the accused/owner of the vehicle and along with photos and CD of the above vehicle to be kept with case bundle. (C.P. No.138/2020)

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, this the **11th day of March 2026.**

**II Additional District and Sessions Judge,
Thanjavur.**

Witnesses examined by the Prosecution:-

P.W.1	Mudiarayan, Special Sub Inspector of Police, Thanjavur West Police Station
P.W.2	Maheshwaran, Grade I Police
P.W.3	Selvam, Tailor
P.W.4	Velayutham, Sub Inspector of Police

Exhibits marked by Side of Prosecution:-

Ex.P.1	Signature of PW1 in Seizure Mahazar
Ex.P.2	Signature of PW1 in Seizure Mahazar
Ex.P.3	Signature of PW3 in Observation Mahazar
Ex.P.4	First Information Report
Ex.P.5	Seizure Mahazar
Ex.P.6	Form 91
Ex.P.7	Observation Mahazar
Ex.P.8	Rough Sketch

List of material Objects marked by the Prosecution side:

P.M.O.1	Sword is 56 cm long with a wooden handle and a brass hilt on both side
P.M.O.2	Sword is 54 cm long
P.M.O.3	The photograph and CD of a gray two-wheeler registered as TN 55 BJ 6095 and the CD

Defence side witness and Exhibit: NIL

**II Additional District and Sessions Judge,
Thanjavur.**

JUDGMENT IN
S.C. NO.272/2025
DATED: 11.03.2026

S.C.No.272/2025 Dated:11.03.2026

Judgement pronounced.

In the result, the accused are not found guilty against the charges **u/ss. 296(b) BNSS, 25(1)(a) Arms Act** and hence they are acquitted as per section 235(1) Cr.P.C. The trial court is directed to destroy the case property of M.O.1 and 2 after appeal time. P.M.O.3 GRAY COLOUR ACTIVA two-wheeler with the registration number TN 55 BJ 6095 handed over to the accused/owner of the vehicle and along with photos and CD of the above vehicle to be kept with case bundle.
(C.P. No.138/2020)

II ADJ,
Thanjavur.