

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.

Monday, the 6th day of April 2026.

2057 Thiruvalluvarandu Visuvvasu Year Panguni Thingal 23rd day

Sessions Case No.378/2025

CNR.No.TNTJ01010104072025

Complainant	State represented by The Inspector of Police, Thanjavur Taluk Police Station, Cr.No.37/2020.
Name of the accused	1) Vigneshwaran @ Kal Vicky, 24 S/o.Thangaraj, 9 th Theru, Kayeetheymillath Nagar, Vilar Road, Thanjavur. 2) Thivagar, 22 S/o.Ramesh, Korikulam, Puthu theru, Panankadu, Thanjavur. 3) Praveenkumar, 20 S/o.Sekar, Thillai Nagar, Vilar Road, Thanjavur. 4) Nanthakumar @ Nanthu, 20 S/o.Babu, 1 st street, Brathidhasan Nagar, Vilar road, Thanjavur. 5) Chellappa, 20 S/o.Jayaseelan, 1 st street, Kalaingar Nagar, Thanjavur. 6) Tamilarasan @ Mottai, S/o.Murugesan

	Thillai Nagar.(This case has been split up in PRC.119/2025 against the accused A6)
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	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.3 produced in SCP No.17/2026 are ordered to be destroyed after expiry of appeal time.

Details of Case summary:-		
1.	Name of the Police Station and the Crime number of the offence	: Thanjavur Taluk Police Station, Cr.No.37/2020
2.	Name of the accused	A1 - Vigneshwaran @ Kal Vicky A2 - Thivagar A3 - Praveenkumar A4 - Nanthakumar @ Nanthu A5 - Chellappa
3.	Father's Name of the accused	A1 - S/o.Thangaraj A2 - S/o.Ramesh A3 - S/o.Sekar

		A4 - S/o.Babu A5 - S/o.Jayaseelan
4.	Occupation of the accused	Labourer
5.	Residence of the accused	A1 - 9 th Theru, Kayeetheymillath Nagar, Vilar Road, Thanjavur. A2 - Korikulam, Puthu theru, Panankadu, Thanjavur. A3 - Thillai Nagar, Vilar Road, Thanjavur. A4 - 1 st street, Brathidhasan Nagar, Vilar road, Thanjavur. A5 - 1 st street, Kalaingar Nagar, Thanjavur.
6.	Age of the accused	A1 - 24/2026 A2 - 22/2026 A3 - 20/2026 A4 - 20/2026 A5 - 20/2026
7.	Date of occurrence	20.02.2020
8.	Date of complaint	20.02.2020
9.	The period of remand of the accused	A1 – 20.02.2020 - 13.03.2020 A2 - 21.02.2020 - 13.03.2020 A3 - 20.02.2020 - 14.03.2020 A4 - 20.02.2020 - 18.03.2020 A5 - 20.02.2020 – 14.05.2020
10.	The date of committal of the case	22.09.2025
11.	The date of Questioning of the accused u/s 251 of BNSS	01.12.2025, sec.399 IPC.
12.	Date of examination of accused u/s 351(1)(b) of BNSS.	28.03.2026
13.	Commencement of trial	11.03.2026

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 of examination in chief and cross examination of a witness:-			
	Name of the witnesses	Date of Chief examination	Date of cross examination
PW1	Thiru.Muthuvel	11.03.2026	11.03.2026
PW2	Thiru.Kazhaniyappan	25.03.2026	25.03.2026

This Sessions Case has come up before me for final hearing on 28.03.2026 in the presence of Thiru.N.Ranjith, Special Public Prosecutor appearing for the Complainant and of Thiru.R.P.Veerasekar, 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 20.02.2020 at 8.00 hours the accused A1 to A6 having dangerous weapons and were sitting in circle at Mettu street, Panankadu and illegally conspired to commit decoity and to became big shot in the society with that money. Therefore, the accused A1 to A6 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.57/2020 and ordered summons to the accused A1 to A6. On summons, the accused A1 to A5 are appeared in persons. Copies and other documents were furnished to the accused A1 to A5. The accused A6 is not appeared before the Judicial Magistrate court and hence, the case against the accused A6 is split up in P.R.C No.119/2025 and proceeded the case as against 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.378/2025 against the accused A1 to A5 and made-over by the Principal Sessions Judge, Thanjavurt to this court for disposal according to law.

3) On appearance of the accused A1 to A5 before this Cout, 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**. 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 2 witnesses as P.W.1 & P.W.2, marked 4 documents as Ex.P.1 to Ex.P.4 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:**

The PW2 Thiru.Kazhanyappan, Inspector of police, Taluk police station, Thanjavur while he was patrolling duty on 20.02.2020 at 8.00 hours along with his police parties PW1 Thiru.Muthuvel, Special Sub Inspector of police, Thiru.Parathasarathi, Sub Inspector of police and Thiru.Chittrasu, Grade II police within the limit of Thanjavur Taluk police station, received secret information as 6 persons were having dangerous weapons and sitting in circle and conspiring to commit decoity at Mettu street, Panankadu and they proceeded to the occurrence place and looked at them, where the

accused talked themselves as they would commit decoity, to became big shot in the society with that money and having weapons in their hands and he and his police team caught hold 5 persons and one person escaped from the spot. The 5 persons had rod-1, Aruval-1, wooden logs-4. Then, on enquiry, they spelled their name as Vigneshwaran, Dhivagar, Praveenkumar, Nanthakumar, Chellappa with their addresses and the person escaped named as Tamilazharasan. Then, he arrested the accused A1 to A5, the accused A1 voluntarily confessed a statement in the presence of PW1 Thiru.Muthuvel and Thiru.Chittrasu and recorded the same. Then, he seized the MO.1 wooden logs 4 Nos. MO.2 Aruval and MO3 Irod rod under seizure mahazar **Ex.P1** in the presence of aforesaid witnesses. Then, he brought the accused A1 to A5 to the police station along with seized properties and registered a case in Cr.No.37/2020, u/s.399 IPC, the **Ex.P2** is the First Information Report. Then, he went to the occurrence place, prepared observation mahazar **Ex.P3** and Rough Sketch **Ex.P4** in the presence of Ramesh and Mathi. Then, he sent the accused A1 to A5 for remand. Then, he examined PW1 Thiru.Muthuvel, Parthasarathi, Chittrasu, Ramesh and Mathi and recorded their statements and after completing his investigation laid a final report against the accused A1 to A6 u/s.399 IPC.

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

From and out of the oral evidence of PW1 & PW2 and Ex.P1 to Ex.P4 and MO1 to MO3, 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 PW2 Thiru.Kazhanyappan, Inspector of police was on patrolling duty along with this police parties to prevent the commission of offences, received secret information from his informant and then, he rushed to the spot along with his police parties and found the accused A1 to A6 were sitting in circle having MO1 to MO3 weapons and talking each other to commit dacoity to become big shot in

the society with that money. Then, the PW2 caught hold the accused A1 to A5 along with his police parties and the accused A6 escaped from the spot and seized the MO1 to MO3 weapons under the seizure mahazar Ex.P1, then recorded the confession statement of accused A1. The PW1 who associated with the PW2 at the occurrence place also deposed corroborating the evidence of PW2. So, the evidence of PW1 & PW2 proved that the accused A1 to A6 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 A6 are having previous cases and thus, the PW1 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 Ex.P1 seizure mahazar prepared at the occurrence before the registration of FIR is found with crime number and section of law and there was no explanation how the crime number and section of law came into existence in the Ex.P1 prior to the registration of FIR and further no independent were examined to prove the occurrence and prayed to acquit the accused A1 to A5.

11) 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 PW2 Thiru.Kazhanyappan, Inspector of police, who is the raiding officer, the PW1 Thiru.Muthuvel, SSI of police who associated with the PW2 to the spot. The PW2 in his evidence stated that on 20.02.2020 at 8.00 A.M. when he along with the PW1, SI of police Thiru.Parthasarathi and Grade II police Thiru.Chittrasaru were patrolling duty and received secret information as six persons were sitting in circle at Mettu street, Panangadu and conspired to commit dacoity. On receipt of the information, the PW2 along with the police team rushed to the spot and found the accused A1 to A5 along with the spilt up accused A6 were sitting and talked themselves about the committing of dacoity to become big shot with that money and on over heard, the PW2 and his police parties tried to arrest them, but they arrested only the accused A1 to A5, the accused A6 escaped from the spot. On enquiry, the accused A1 confessed a statement and he recorded the same, then, the PW2 seized the MO.1 wooden logs- 4 Nos MO.2. Aruval and MO.3 iron rod under the Ex.P1 seizure mahazar in

the presence PW1 Thiru.Muthuvel, SSI of police and Thiru.Chittrasu, Grade II police, then, the PW2 brought the accused persons and the seized properties to the police station and registered a case against them.

12) It is seen that the Ex.P1 seizure mahazar is prepared at the occurrence place before the Ex.P2 First Information report at the police station. On perusal of Ex.P1 seizure mahazar, which contained crime number and section of law. The evidence of PW2 in cross examination reads as கைப்பற்றுதல் மகஜரில் குற்ற எண், சட்டப்பிரிவுகள் குறிப்பிடப்பட்டுள்ளது என்றால் சரிதான். The PW1 Thiru.Muthuvel, who associated with the PW2 at the occurrence place also admitted in his cross examination as the Ex.P1 seizure mahazar contained crime number and section of law. The evidence of PW1 in cross also reads as சம்பவ இடத்தில் தான் ஆய்வாளர் கைப்பற்றுதல் மகஜர் தயார் செய்தார். கைப்பற்றுதல் மகஜரில் குற்ற எண் சட்டப்பிரிவுகள் உள்ளன என்றால் சரிதான். From the evidence of PW1 & PW2 as well as Ex.P1, it is clear that the Ex.P1 seizure mahazar contained crime number and section of law which is allegedly prepared at the occurrence place at 9.20 hours. Afterthat the PW2 brought the accused A1 to A5 along with the seized properties to the police station at 10.00 hours and then, registered the Ex.P2 First Information Report. If it is so, how can the Ex.P1 seizure mahazar prepared at the occurrence place

at 9.20 hours would contain the crime number and section of law. So, doubt arise over the genuinity of the prosecution case.

13) Moreover, the confession statement of the accused A1 is typed in computer, it is alleged to the PW1 that the confession statement of the accused A1 was recorded at the occurrence place, but he has not stated how did he type the confession statement and where did he take the print out of the confession statement and nothing whisper in the case records. Further, it is admitted by PW1 & PW2 that the houses are situated around the occurrence place, but no one summoned as witness to prove the recovery of weapons from the accused at the occurrence place. The PW2 is the complainant as well as the investigation officer. If complainant himself an investigation officer, fair investigation could not be expected as held by various judgments of our Hon'ble High Court and Apex court. Further, the PW1 who works under PW2 and he would naturally support the evidence of PW2. Unless the evidence of PW1 & PW2 corroborated by the independent witnesses, the evidence of PW1 & PW2 alone is not sufficient. As held earlier that the Ex.P1 seizure mahazar itself is suspicious one, since it contained crime number and section of law before the registration of First Information Report. 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.

14) 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.3 produced in SCP No.17/2026 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, **6th** 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 Witnesses	Date of Examination of Witnesses	Name of the Witness
PW1	11.03.2026	Thiru.Muthuvel, Special Sub Inspector of police
PW2	25.03.2026	Thiru.Kazhanyappan, 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	Wooden logs-4
MO.2	Sword-1
MO.3	Iron Rod-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.378/2025
dated: 06.04.2026