

IN THE COURT OF THE PRINCIPAL SESSIONS JUDGE, THANJAVUR.

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

Thursday, the 2nd day of April, 2026.

(Thiruvalluvarandu 2057 Sri Visuwavasu Varudam Panguni Thingal 19th day)

Sessions Case No. 309/2024

CNR No. TNTJ01 – 013909 – 2024

(PRC No. 23/2024 of Judicial Magistrate Court, Thiruvaiyaru)
(Cr. No. 232/2024 on the file of Thirukattuppalli Police Station)

Complainant	: State represented by Inspector of Police, Thirukattuppalli Police Station. Crime No. 232/2024
Name and Address of the Accused	: Ranjith Kumar, aged 30/2026, S/o. Raja Victor Fernandas, North Adi Dravidar Street, Vishnampettai, Budhalur Taluk, Thanjavur District.
<u>1st Charge</u>	: Abusing with filthy language - punishable u/s 294(b) of IPC.
<u>2nd Charge</u>	: Attempt to murder - punishable u/s.307 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 294(b), 307 of IPC and he is acquitted u/s 258(1) of BNSS, 2023.

	<p>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 i.e PMO1 – knife, remanded in SCP No.14/2025 is ordered to be destroyed as that material object is of no use.</p>
--	---

Brief Facts of the Case:–

1)	Name of the Police Station and the Crime Number	: Thirukattuppalli Police Station, Crime No. 232/2024
2)	Name of the Accused	: Ranjith Kumar
3)	Name of the Accused's Father	: Raja Victor Fernandas
4)	Occupation of the Accused	: Labourer
5)	Residence of the Accused	: North Adi Dravidar Street, Vishnampettai, Budhalur Taluk, Thanjavur District.
6)	Age of the Accused	: 30/2026
7)	Date of Occurrence	: 21.05.2024
8)	Date of Complaint	: 22.05.2024
9)	Period of Remand of the Accused	: 23.05.2024 – 01.07.2024
10)	Date of Committal of the Case	: 04.11.2024
11)	Date of Questioning the Accused under Section 228 of CrPC	: 03.02.2025

12)	Date of Examination of the Accused under Section 313(1)(b) of CrPC	:	11.03.2026
13)	Commencement of Trial	:	14.08.2025
14)	Close of Trial	:	04.03.2026
15)	Sentence or Order	:	02.04.2026
16)	Criminal Miscellaneous Petitions filed by the accused:--		
	Petitions	CrI. M. P. No.	Date of Filing
	Date & Nature of Disposal		
	Bail Petition U/S 439 of Cr.P.C	4073/2024	–
			18.06.2024 – Allowed
Dates of Examination in Chief and Cross-Examination of witnesses:--			
	Name of the Witnesses	Date of Chief Examination	Date of Cross Examination
PW1	Arockiamary	14.08.2025	14.08.2025
PW2	Victor Fernandas	14.08.2025	14.08.2025
PW3	Xavier	25.09.2025	25.09.2025
PW4	Sivasubramaniyan, Inspector of Police.	21.01.2026	21.01.2026
PW5	Vinodsaravanan, Head Constable.	18.02.2026	18.02.2026
PW6	Jagadheswaran, Inspector of Police.	04.03.2026	04.03.2026

This Sessions Case was taken up before this Court for final hearing on 16.03.2026 in the presence of Mr.S.Sathiamoorthy, Learned Public Prosecutor appearing for the State and Mr.C.Saravanan, Learned Advocate appearing for the Accused, and, upon hearing of both sides and perusing available material records and

having stood over for consideration till date, this Court passed the following ...

J U D G M E N T

(1) The Inspector of Thirukattuppalli Police Station laid a final report against the accused alleging that:

The injured witness (LW-2) and the accused are father and son, and there has been prior enmity between them for a period of about four years. Due to that previous motive, on 21.05.2024 at about 6.00 p.m., the accused, namely Ranjith Kumar, intentionally abused the injured in obscene and filthy language. At that time, when the injured was proceeding on foot near the speed breaker situated in front of the house of one Mohan on Vishnampettai Road, the accused intercepted him and, in a fit of rage, questioned him as to where he was going, stating that he was speaking to him, and further abused him in vulgar terms and threatened him with dire consequences. Pursuant thereto, the accused, who had concealed a knife in his waist, suddenly took out the knife and, with the intention and knowledge of causing death, inflicted a stab injury on the left side of the neck of the injured, thereby causing a grievous injury. Thus, the accused committed the offences punishable under Sections 294(b), 324, and 307 of the Indian Penal Code, 1860. Alternatively, having regard to the nature and gravity of the injury sustained by the injured, the offence would fall under Sections 294(b), 326 and 307 of the Indian Penal Code, 1860.

(2) Upon receipt of the Final Report, the Learned Judicial Magistrate, Thiruvaiyaru, took cognizance of the case and numbered it as PRC No. 23/2024 for

the offences punishable under Sections 294(b), 326 and 307 of the Indian Penal Code, 1860, (hereinafter referred to as “IPC”) and after furnishing copies of the relevant documents to the accused as mandated under Section 207 of Code of Criminal Procedure, 1973, (hereinafter referred to as “CrPC”) committed the case to the Court of Sessions, as the offence punishable under Section 307 of the IPC is exclusively triable by the Sessions Court.

(3) Upon receipt of case records from the Committal Court, this Principal Sessions Court, Thanjavur, has taken up the case on file and numbered it as SC No. 309/2024. After making the appearance of the accused, charges were framed for the offences punishable under Sections 294(b) and 307 of the IPC against the accused. The charges were read over and explained to the accused, to which, he pleaded not guilty and sought to be tried.

(4) In order to prove the charges framed against the accused, the prosecution examined PW1 to PW6 and marked Ex.P1 to Ex.P12, along with PMO1. 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.

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

(5.1) On 21.05.2024 at about 6.00 p.m., due to privious enmity, the accused

Ranjith Kumar abused his father / the injured in obscene language. While the injured was walking near the speed breaker in front of the house of one Mohan on Vishnampettai Road, the accused intercepted him, spoke angrily, and threatened him with dire consequences. Thereafter, the accused took out a knife concealed in his waist and stabbed the injured on the left side of his neck, causing grievous injury. The injured was immediately admitted to Thanjavur Medical College Hospital for treatment.

(5.2) On 21.05.2024, upon receipt of intimation from Thanjavur Medical College Hospital, PW5 – Vinodsaravanan proceeded to the hospital and found PW2 – Raja @ Victor Fernandes admitted in the ICU in an unconscious condition. Upon enquiry, PW1 – Arockiamary, wife of PW2, narrated the occurrence, and the same was reduced into writing as Ex.P5 – Complaint Statement. On 22.05.2024 at about 01.45 a.m., Ex.P6 – First Information Report was registered in Crime No. 232/2024 for the offences punishable under Sections 294(b), 324 and 307 IPC. The original Ex.P6, along with Ex.P5, was forwarded to the learned Judicial Magistrate, Thiruvaiyaru, and copies thereof were duly dispatched to the superior officers. A copy of Ex.P6 was also handed over to PW4 – Sivasubramaniyan, Inspector of Police, Thirukkattuppalli Police Station, for the purpose of further investigation.

(5.3) Upon receipt of the case records, PW4 took the case for investigation and inspected the place of occurrence on 22.05.2024 at about 08.00 a.m. in the presence of Arulanandam and Joseph, and prepared Ex.P3 – Observation Mahazar and Ex.P4

– Rough Sketch. Then, PW4 examined the said witnesses and recorded their statements and thereafter examined PW1, as well as Phelominraj, Yesu Raj, Thomas and Vinothkumar, and recorded their statements separately. Subsequently, while searching the accused, PW6 – Jagadheswaran, the regular Inspector, who had been on leave, resumed duty and accordingly, the case records were handed over to him for further investigation.

(5.4) Upon taking up further investigation, PW6 visited the scene of occurrence and examined the witnesses; however as they reiterated their earlier statements given to the previous Investigating Officer, no fresh statements were recorded. While searching the accused, on 23.05.2024, at about 02.30 p.m., the accused was secured, who was found standing near the main gate of the Thanjavur Medical College and Hospital, and arrested him after informing him of the grounds of arrest. Thereafter, in presence of PW3 – Xavier and another witness namely Valluvan, the accused was examined and voluntarily came forward to give a Confessional statement.

(5.5) Pursuant to Ex.P7 – Admissible Portion of the Confessional Statement, wherein the accused stated that he had concealed the knife used in the commission of the offence in a bush near Sengaraiyur Bridge, PW6 proceeded along with the accused and the witnesses to the said place at about 02.30 p.m., and recovered and seized PMO1 – Knife measuring about 28.5 cm in length under Ex.P8 – Seizure Mahazar.

(5.6) Then, the accused was subjected to medical examination and thereafter

remanded to judicial custody. The seized PMO1 was forwarded to the Court under Ex.P9 – Form 91.

(5.7) Subsequently, PW2 was examined and recorded his further statement regarding the occurrence and the injuries sustained by him. PW6 examined Dr. Senthil Kumar, who had initially treated PW2, and obtained Ex.P10 – Accident Register. Thereafter, Dr. Moharaj was examined, who had provided further treatment and issued Ex.P11 – Wound Certificate, wherein the injury sustained by PW2 has been certified as grievous in nature.

(5.8) Based on the medical opinion, PW6 altered the provisions from Sections 294(b), 324 and 307 of the IPC to Sections 294(b), 326 and 307 of the IPC, and prepared Ex.P12 – Alteration Report. Further, PW5 was examined, who had registered Ex.P6, and recorded his statement. Upon completion of the investigation, PW6 filed the final report against the accused for the offences punishable under Sections 294(b), 326 and 307 of the IPC.

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

Whether the prosecution has established its case against the accused beyond all reasonable doubts?

Point:-

(7) The Learned Public Prosecutor has argued that even though some of the witnesses had turned hostile and did not support the case of the prosecution, the

charges have been proved by examining remaining witnesses, whose evidence would inspire the confidence of this Court. The prosecution, therefore, prayed to convict him by awarding maximum punishment.

(8) The Learned Defence Counsel argued that most of the witnesses inquired by the investigating officer had turned hostile and were not supporting the case of the prosecution. It is further argued that the witnesses, who supported the case of the prosecution during their examinations, were official witnesses, and therefore, this Court cannot believe the evidence of those witnesses, and also argued that the prosecution has miserably failed to establish the guilty against the accused and prayed to acquit the accused from the aforesaid charge.

(9) This Court has carefully considered the arguments advanced on both sides and perused the records.

(10) The prosecution, in order to bring home the guilt of the accused, has examined six witnesses i.e., PW1 – Complainant, PW2 – Victim, PW3 – Witness of Seizure Mahazar and Confessional Statement, and PW4, PW5 & PW6 are Investigating Officers.

(11) Out of the six witnesses, three witnesses namely PW1, PW2 and PW3 who are important witnesses to the incident, did not support the prosecution case and were treated as hostile. Their evidence does not help the prosecution in any way. It is well settled that when key witnesses do not support the prosecution and go back on their earlier statements, the prosecution case becomes weak.

(12) It is a settled law that the evidence of a hostile witness need not be rejected completely, and the part which supports the prosecution can be accepted if it is reliable. However, in this case, no useful or incriminating evidence was brought out from the hostile witnesses, including the victim and the complainant, even during cross-examination. Therefore, their evidence does not connect the accused with the offence and cannot be relied upon.

(13) The remaining witnesses examined by the prosecution are official witnesses i.e., police officials, who have deposed only about the procedural aspects such as registration of the case, preparation of observation mahazar & rough sketch, recovery, confession, alteration of provisions and investigation. Their evidence is purely formal and procedural in nature and does not directly establish the occurrence or the involvement of the accused in the alleged crime. The very foundation of the prosecution case, thus, rests on circumstances that have not been satisfactorily established.

(14) Further, the prosecution has failed to examine several material witnesses connecting with the investigation namely, witnesses of Ex.P3 & Ex.P4 – Arulanandam & Joseph, witness to the alleged confession – Valluvan, the medical experts – Dr. Senthil Kumar & Dr. Mohanraj, and other relevant witnesses namely Phelominraj, Yesu Raj, Thomas, and Vinothkumar.

(15) The prosecution has not proved the alleged confession of the accused. Out of the two witnesses, PW3 turned hostile and the other witness, Valluvan, was

not examined. Therefore, there is no support for the confession, and it cannot be relied upon.

(16) The prosecution has not explained why these important witnesses were not examined. Because of this, an adverse inference can be drawn against the prosecution, especially when their evidence is important to the case.

(17) In the course of the present analysis, the Court has followed the dictum in “ **Kali Ram v State of Himachal Pradesh** ”, wherein the Hon’ble Supreme Court held that:

One of the cardinal principles which has always to be kept in view in our system (1) Cr. App.Ho.26 of 1970 decided on August 27, 1973 of administration of justice for criminal cases is that a person arraigned as an accused is presumed to be innocent unless that presumption is rebutted by the prosecution by production of evidence as may show him to be guilty of the offence with which he is charged. The burden of proving the guilt of the accused is upon the prosecution and unless it relieves itself of that burden, the courts cannot record a finding of the guilt of the accused.

... ..
... ..

Another golden thread which runs through the web of the administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. This principle has a special relevance in cases wherein the guilt of the accused is sought to be established by circumstantial evidence. Rule has accordingly been laid down that unless the evidence adduced in the case is consistent only with the hypothesis of the guilt of the accused and is inconsistent with that of his innocence, the court should refrain from recording a finding of guilt of the accused. It is also an accepted rule that in

case the court entertains reasonable doubt regarding the, guilt of the accused, the accused must have the benefit of that doubt.

... ..
... ..

It needs all the same to be re-emphasised that if a reasonable doubt arises regarding the guilt of the accused, the benefit of that cannot be withheld from the accused.

... ..
... ..

Suppose an innocent person is convicted of the offence of murder and is hanged, nothing further can undo the mischief for the wrong resulting from the unmerited conviction is irretrievable. To take another instance, if an innocent person is sent to jail and undergoes the sentence, the scars left by the miscarriage of justice cannot be erased by any subsequent act of expiation.

... ..
... ..

The fact that there has to be clear evidence of the guilt of the accused and that in the absence of that it is not possible to record a finding of his guilt was stressed by this Court in the case of Shivaji Sahabrao Bobade & Anr. (supra) as is clear from the following observations:

“Certainly it is a primary principle that the accused must be and not merely may be guilty before a court can convict and the mental distinction between ‘may be’ and ‘must be’ is long and divides vague conjectures from sure considerations”.

(18) It is a cardinal principle of criminal jurisprudence that mere suspicion, however strong it may be, cannot take the place of legal proof. In the absence of any reliable ocular testimony or independent corroborative evidence connecting the accused with the commission of the offence, the Court cannot sustain a conviction

merely on conjectures or surmises.

(19) In this case, the important witnesses, including the victim and the complainant, have not supported the prosecution and have turned hostile. There is no independent or reliable evidence to connect the accused with the offence. The evidence is incomplete and not properly connected. When the evidence is weak, the Court cannot convict the accused based on assumptions. Therefore, the benefit of doubt must be given to the accused.

(20) In view of the foregoing discussion and upon an overall appreciation of the evidence on record, this Court finds that the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. Since the important witnesses have turned hostile and there is no strong or independent evidence linking the accused to the offence, the prosecution case becomes very weak. Applying the aforementioned well-settled principles laid down by the Hon'ble Supreme Court, this Court is bound to extend the benefit of doubt to the accused. The prosecution has failed to prove a clear and complete chain of events showing the guilt of the accused. Therefore, this Court holds that the accused is not guilty of the charges framed against him. Accordingly, the accused is entitled to acquittal. Thus, the point is answered in favour of the accused.

(21) In the result, the accused is not found guilty for the offences u/s 294(b), 307 of IPC and he is acquitted u/s 258(1) of BNSS, 2023. The bail bond, if any executed by the accused, is ordered to be cancelled

after the appeal time is over.

(22) After the appeal time is over or after the disposal of the appeal if there be any, the case property i.e PMO1 – knife, remanded in SCP No.14/2025 is ordered to be destroyed as that material object is of no use.

This Judgment is dictated to the Stenographer Grade – III of this Court, typed by him in computer directly, corrected and pronounced by me in the open Court, on this 2nd day of April, 2026.

**Principal Sessions Judge,
Thanjavur.**

Witnesses examined on the side of the Prosecution:

- | | | |
|-----|-----|------------------|
| (1) | PW1 | Arockiamary |
| (2) | PW2 | Victor Fernandas |
| (3) | PW3 | Xavier |
| (4) | PW4 | Sivasubramaniyan |
| (5) | PW5 | Vinodsaravanan |
| (6) | PW6 | Jagadheswaran |

Documents marked on the side of the Prosecution:

- | | | |
|-------|------------|--|
| Ex.P1 | 22.05.2024 | Signature of PW1 in Ex.P5 – Complaint Statement. |
| Ex.P2 | 23.05.2024 | 1 st Signature of PW3 in Ex.P8 – Seizure Mahazar. |
| Ex.P3 | 22.05.2024 | Observation Mahazar. |

Ex.P4	22.05.2024	Rough Sketch.
Ex.P5	22.05.2024	Complaint Statement.
Ex.P6	22.05.2024	First Information Report.
Ex.P7	23.05.2024	Admissible Portion of the Confession Statment.
Ex.P8	23.05.2024	Seizure Mahazar.
Ex.P9	23.05.2024	Form 91.
Ex.P10	21.05.2024	Accident Register.
Ex.P11	28.05.2024	Wound Certificate.
Ex.P12	12.07.2024	Alteration Report.

Material Object marked on the side of the Prosecution:–

(1) PMO1 Knife.

Witness examined and Documents marked on the side of the Accused: Nil

PSJ

Draft / Fair Copy of Judgment in
SC No. 309/2024
PSJ Court, Thanjavur.
Date: 02.04.2026