

Principal Sessions Court, Tirunelveli.
Case – Summary
Spl. S.C. No.64/2025

i.	The period of remand of the accused	Date of Remand : 01.09.2014 Date of release : 04.09.2014 Custody for accused : 4 days
ii.	The date of filing of the complaint / final report in the Court;	01.09.2014 / 23.06.2017
iii.	The date of committal of the case to the Court of Session;	14.03.2025
iv.	The date of questioning of the accused under Sections 228, 240, 246 and 251 of the code of Criminal Procedure, 1973, as the case may be;	01.08.2017 (Charge framed by J.M.3, Tirunelveli)
v.	Filing of all miscellaneous petitions and their results including the results on challenge before superior Courts; except routine petitions like petitions under Section 317 of the Code;	---
vi.	Date of examination in-chief and cross-examination of a witness;	P.W. 1 – 30.11.2021 (P.W.1 examined by J.M.3, Tirunelveli) P.W. 2 – 13.08.2025 P.W. 3 – 13.08.2025 P.W.4 - 09.02.2026 P.W.5 – 09.02.2026 P.W.6 – 06.07.2026 (P.W.2 to P.W.6 are examined by this court)
vii.	Date of examination of the accused under Section 313 of the Code;	17.07.2026
viii.	---	---
	Details of abscondence of an accused and his appearance/production, as the case may be; and	---

x.	Grant of stay by superior Courts and the results thereof.	---
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**IN THE COURT OF PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI**

**PRESENT: THIRU.N.VENKATAVARADAN, B.L.,
Principal Sessions Judge,
Tirunelveli.**

Dated, this the 30th day of April 2025

**SPL.S.C.No.64 of 2025
(CNR No.TNTL 0100 3041 2025)**

(S.T.C.No.221/2017 on the file of Judicial Magistrate Court No.III,
Tirunelveli, Tirunelveli Taluk Police Station Crime No.244 of 2014.)

Name of the Complainant : State through
The Inspector of Police,
Tirunelveli Taluk Police station.
Cr.No.244/2014

Name of the Accused : Selvam @ Chellapandi (Age 41/2026)
S/o. Subramanian,
Pillaiyar Kovil Street,
Thirumalaikolunthupuram

Charges framed against the : 379 (Sand theft) IPC
accused

Plea of the Accused for : Not guilty.
charge

Finding of the Court : Not guilty.

Sentence or Order : In the result, the Accused is
found not guilty for the offence under
Section 379 (Sand theft) IPC and he is
acquitted under Section 235(1) of Cr.P.C.

The bail bond executed if any by the accused shall automatically be cancelled after the appeal time is over or after the disposal of appeal if any filed.

The property seized in this case which is Double Bullock cart remanded in P.R.No.153/2025 by this court is still in the custody of respondent police is ordered to be handed over to its owner on appropriate petition. The seized sand already handed over to the Tahsildar, Palayamkottai by the Judicial Magistrate Court.

This case is coming on 28.07.2026 for final hearing before me in the presence of Thiru.M.Maharaja, learned Public Prosecutor for State and Thiru.S.Patchi Rajan, Learned Counsel appeared for the Accused and upon hearing the arguments on both sides and on perusal of all other material records and having stood over till this day for consideration, this court delivers the following...

JUDGMENT

The Inspector of Police, Tirunelveli Taluk P.S. has laid the final report in Cr.No.244/2014 against the accused by stating that, on 01.09.2014 at about 08.00 a.m., when the police party attached to Tirunelveli Taluk P.S., engaged in patrolling duty, they found that the Accused persons herein had quarried river sand worth about Rs.300/- from the riverbed of west side of Thirumalaikolunthupuram Village Tamirabarani River and transported the same in the Double Bullock Cart without having any valid permit and license and hence the Accused committed an offence u/s.379 (sand theft) IPC.

2. On receipt of the Final Report along with the relevant records relied on by the prosecution, the learned Judicial Magistrate No.III, Tirunelveli has taken the case on file in S.T.C.No.221/2017 and posted the case for appearance. On appearance of the accused before the Judicial Magistrate Court, the accused were furnished with the copies of the relevant documents under section 207 of the Code of Criminal Procedure. After perusing the records, the learned Judicial Magistrate found that there are prima facie material available for the offence under section 379 (Sand theft) IPC and framed charges against the accused under the following Section.

குற்றச்சாட்டு:-

கடந்த 01.09.2014 ம் தேதி காலை 08.00 மணியளவில் திருமலைகொழுந்துபுரம் கிராமம் ஊருக்கு வடக்கே உள்ள தாமிரபரணி ஆற்றில் எதிரியாகிய நீர் இரட்டை மாட்டு வண்டியில் 20 சாந்து சட்டி அளவுள்ள சுமார் ரூ.300/- மதிப்புள்ள ஆற்று மணலை எந்தவித அரச அனுமதியும் இன்றி தனது சொந்த ஆதாயத்திற்காக திருடிய குற்றத்திற்காக எதிரியாகிய நீர் இ.த.ச. 379 பிரிவின் படி தண்டிக்கத்தக்க குற்றம் புரிந்துள்ளீர்.

The charges was read over and explained him in Tamil and when the accused was questioned about the same, he denied the charges and pleaded not guilty and also claimed to be tried.

3. In order to prove the guilt for the charges levelled against the accused, though P.W.1 was examined and Ex.P1 was marked before the Judicial Magistrate Court No.III, Tirunelveli, subsequently as per the order of Hon'ble Madurai Bench of Madras High Court, in Muthu & Ors Vs. The District Collector, Pudukottai and Ors W.P.(MD) No.19936 of 2017, dated.29.10.2018 the learned Judicial Magistrate No.III, Tirunelveli had committed the case to this Principal District Court, Tirunelveli since this court is the designated authority to deal with the offences under Section 379 (Sand Theft) IPC and also MMDR Act vide the Government Order in G.O.(MS) NO.298, Home (Courts II) Department, dated.13.06.2019 and

after committing the case, P.W.2 to P.W.6 were examined and Ex.P.2 to Ex.P.8 were marked before this court on the side of prosecution. On the side of Accused no witnesses were examined and no documents were marked.

4. The case of the prosecution as per the evidence of witnesses on the side of prosecution is as follows:-

On 01.09.2014 at about 08.00 a.m., P.W.1 the then Sub Inspector of Police, P.W.2 the then Special Sub-inspector of police & P.W.3 Head Constable of Tirunelveli Taluk P.S., were engaged in patrolling duty relating to the sand theft in and around the area of Thirumalaikolunthupuram, it is found that the accused herein had transported the river sand in Double Bullock Cart and on seeing the police party the accused was absconded from the place by leaving the Bullock Cart and upon search found that he has stolen 20 Santhu satti of river sand from the riverbed of Tamirabarani river for own profit without any permit. Thereafter, P.W.1 along with others came to the station where P.W.1 filed a Special Report under Ex.P.1. The photocopies of the Bullock cart is marked as Ex.P.2 (2 series). Based on the Special Report P.W.6 had registered FIR marked as Ex.P.3 in crime No.244/2014 for the offence under Section 379 IPC and section 3 of TNPPDL Act and after sending the original FIR and

complaint to the concerned Judicial Magistrate and took the case for investigation and visited the place of occurrence, prepared Ex.P.4 Observation Mahazar and Ex.P.5 Rough Sketch in the presence of P.W.4 Subramanian and P.W.5 Arumugakani. Further, he had examined the material part of witnesses and recorded their statements and after that the Officer sent the seized properties to Judicial Magistrate through Form 91. The Form 91 is marked as Ex.P.6. Thereafter, he had handed over the seized sand before the Tahsildar, Palayamkottai and obtained Ex.P.7 sand acknowledgment report. Thereafter, he changed the section as 379 IPC and filed the Ex.P.8 section alteration report. After completing of investigation, the Inspector of Police laid the final report against the accused. Prosecution closed their evidence with P.W.6.

5. After completing the examination of Prosecution witnesses, when the Accused were questioned u/s.313 (1)(b) of Cr.P.C., with regard to the incriminating evidence, they denied the same and and not examined any witness on his side and as such there is no witness or documents on the defence side.

6. The point for determination is:-

Whether the prosecution has proved the charge leveled against the Accused beyond reasonable doubt?

POINT:-

7. The charge has been framed as against the accused for the alleged transportation of 20 cement pots of sand in a double bullock cart from Thamirabarani river at about 08.00 a.m. on 01.09.2014 without any valid license and permit and thereby committed the alleged offence under section 379 of IPC. The prosecution examined as many as six witnesses to prove these allegations.

8. P.W.1 is the Special Sub-inspector of Police who deposed that he came up on rounds and found the bullock cart and one Selvam, S/o.Subramanian was taking out sand from the river and he ran out on seeing the police parties. Further, 20 cement pots of river sand were found in the said bullock cart and therefore he has seized the bullock cart and gave a report to the Inspector of Police. The said special report is marked as Ex.P1. He was cross examined by the accused and he deposes that the police team came up on rounds separately and therefore both were proceedings in their separate vehicles. Further, he deposed that the accused was not known prior to the date of occurrence. Therefore, further admitted that in the special report the name of the accused was came to be known and was reported in it. Further, he could not say who was examined to identify the accused. He has not mentioned the name of the person who has

identified the accused and he has not added as a witness in this case. He further admitted that in a place of occurrence the seizure mahazer was not prepared. He further, admitted that in a criminal cases the seizure mahazer has to be prepared only in the scene of occurrence. Further, he admitted that the spade and cement pot used for taking of river sand were not seized.

9. Further, P.W.2 is the Special Sub-inspector of Police who also deposed in support of the P.W.1. Further, the photographs of the bullock cart were marked as Ex.P.2 (2 counts). He also admitted that the spade and cement pot were recovered from the scene of occurrence. Whereas he further deposes that he is not aware whether the seizure mahazer was prepared in this case. He is not aware of the colour of the bulls used in that offence.

10. P.W3 who is the head constable of Pavoorchatram police station deposed in support of the prosecution case about the occurrence allegedly took place on 01.09.2014. In the cross examination he deposed that the materials used in taking sands from spade and cement pot were not seized from the scene of occurrence and they were not available in the scene of occurrence. He further deposed that the special report was prepared in the police station itself. Whereas this goes against the statement of P.W.2 in the cross examination. Further, he deposed that the police bulls were on white

colour. It was not revealed at the time of giving statement to the Inspector of Police.

11. Further, P.W.4 turned hostile and has not supported the prosecution case, who is said to be witness to the observation mahazer. Further, P.W.5 is also a observation mahazer witness who has not supported the prosecution case.

12. P.W.6 is the Inspector of Police who has investigated this case and who is cross examined would further expose the admission that no seizure mahazer prepared in this case for seizure of bullock cart. He was not aware who has taken the bullock cart to the police station. Further, he admitted that the materials used for taking river sand namely spade and cement pot were not seized. Further, he admitted that from whom the name of the accused was known was not mentioned anywhere about the secret informer also. He deposed that the name of the secret informer is not revealed at any time. No independent witnesses is shown in this case. Further, through him observation mahazer and the sketch were marked as Ex.P.4 and Ex.P5 and the form 91 is marked as Ex.P.6. Further, seizure mahazer is marked as Ex.P7. Change of the criminal provision is marked as Ex.P.8. Therefore these evidences could not implicate the accused in the commission of the offences consistently and these inconsistencies in the

prosecution evidences give room for suspicion about the doubts in the prosecution case as stated by them, so benefit of doubts shall go to the accused and he is entitled to be acquitted from the charges levelled against him in the above case. Therefore, this court comes to the conclusion that the accused has to be acquitted from these charges

In the result, the Accused is found not guilty for the offence under Section 379 (Sand theft) IPC and he is acquitted under Section 235(1) of Cr.P.C. The bail bond executed if any by the accused shall automatically be cancelled after the appeal time is over or after the disposal of appeal if any filed.

The property seized in this case which is Double Bullock cart remanded in P.R.No.153/2025 by this court is still in the custody of respondent police is ordered to be handed over to its owner on appropriate petition. The seized sand already handed over to the Tahsildar, Palayamkottai by the Judicial Magistrate Court.

This Judgment dictated by me to the stenographer and transcribed and typed by him in computer and corrected and pronounced by me, in the open court on this the 30th day of July 2026.

**PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.**

List of witnesses on the side of Prosecution:

1.	P.W.1	Tmt. Mariselvi
2.	P.W.2	Thiru. Stephenson Samraj
3.	P.W.3	Thiru. Selvakumar
4.	P.W.4	Thiru. Subramanian
5.	P.W.5	Thiru. Arumugakani
6.	P.W.6	Thiru. Samson

List of documents marked on the side of Prosecution:

Ex.P.1	01.09.2014	:	Special report
Ex.P.2 (series)	24.09.2014	:	2 number of Photographs showing the Bullock Cart
Ex.P.3	01.09.2014	:	First Information Report
Ex.P.4	01.09.2014	:	Observation Mahazar
Ex.P.5	01.09.2014	:	Rough Sketch
Ex.P.6	01.09.2014	:	Form 91
Ex.P.7	18.10.2024	:	Sand Acknowledgment endorsement by Tahsildar, Palayamkottai
Ex.P.8	23.06.2017	:	Section Alteration report

List of Documents on the side of Defence: Nil**Prosecution side Material Objects:** Nil**Defence side Material Objects:** Nil

**PRINCIPAL SESSIONS JUDGE,
TIRUNELVELI.**

Principal Sessions Court,
Tirunelveli

SPL. S.C.No.64/2025

Dated:30.07.2026

DRAFT / FAIR Judgment