



IN THE COURT OF THE FIRST ADDITIONAL DISTRICT AND SESSIONS
JUDGE, TIRUNELVELI

PRESENT: Thiru. D. Selvam, M.L.,
1st Additional District and Sessions Judge,
Tirunelveli.

Friday, the 19th day of June 2026

SESSIONS CASE No. 882/2025
(CNR No. TNTL0100994720256)

(Committed to the Hon'ble Principal Sessions Court, Tirunelveli by the Judicial Magistrate Court, Cheranmahadevi, by its order dated 11.11.2025 in PRC. No. 125/2025 and made over to this Court by the Hon'ble Principal Sessions Court, Tirunelveli.)

Name of the Complainant	The State of Tamil Nadu Represented by the Inspector of Police, Cheranmahadevi Police Station, Crime No. 396/2025.
Name of the accused	Veeramanikandan @ Bottle Mani, aged 25/2025, S/o. Marimuthu @ Mariappan, Selliparai Street, Cheranmahadevi, Now at Anna Nagar, Cheranmahadevi.
Charges framed	296(b), 109(1), 351(3) of the BNS.
Plea of the accused	Not guilty
Finding of the Court	The accused is found not guilty
Sentence or order	In the result, (i) The accused is found not guilty of the offence under Section 296(b), 109(1), 351(3) of the B.N.S. and



	acquitted under Section 258(1) of the BNSS. (ii) The accused is under judicial custody. So, this court is ordered to release the accused immediately unless he is required for any case to detention. (iii) Bail bond, if any, against the accused is hereby cancelled. (iv) The MO-1 is ordered to be destroyed after the appeal time. If any appeal is made, it will be disposed of as per the order of the appellate court. (v) There is no order for referring the compensation under section 396 of the B.N.S.S.
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Details of Case Summary:-

Sl.No.	Particulars	
1	Name of the Police Station and the crime Number of the offence	Cheranmahadevi police station. Cr. No. 396/2025.
2	Name of the Accused	Veeramanikandan @ Bottle Mani
3	Father's Name of the Accused	S/o. Marimuthu @ Mariappan
4	Occupation of the accused	Coolie
5	Residence of the accused	Selliparai Street, Cheranmahadevi, Now at Anna Nagar, Cheranmahadevi.
6	Age of the accused	25/2025
7	Date of Occurrence	17.09.2025
8	Date of Complaint	17.09.2025



9	The Period of remand of the accused	17.09.2025 – till date
10	The date of committal of the case	25.11.2025
11	The date of Questioning of the accused u/s 251 of the B.N.S.S.	27.01.2026
12	Date of examination of the accused u/s 351(1)(b) of B.N.S.S.	12.06.2026
13	Commencement of Trial	10.02.2026
14	Close of Trial	05.06.2026
15	Sentence or order	19.06.2026
16	Criminal Miscellaneous petitions filed by the accused	<u>Petitions u/s 355 B.N.S.S.</u> – 5 <u>Petition u/s 72(2) B.N.S.S.</u> - Nil <u>Petition u/s 483 B.N.S.S.</u> - Nil

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

Sl.No.	Name of the witnesses	Date of the chief examination of the witness	Date of cross-examination of the witness
P.W.1	Mr. Thalavai Raja	20.02.2026	--
P.W.2	Mr. Rajesh	20.02.2026	--
P.W.3	Mr. Prakash	20.02.2026	--
P.W.4	Mr. Kumar	17.03.2026	--
P.W.5	Mr. Subramanian	17.03.2026	--
P.W.6	Mr. Vijayakumar	05.06.2026	05.06.2026



This Sessions case came on 16.06.2026 for a final hearing before me, in the presence of Thiru. M. Karunanithi, Additional Public Prosecutor for the State, and Thiru. R.Anbalagan, Deputy Chief Legal Aid Defense Counsel for the Accused, and upon hearing the arguments on both sides and upon perusing the material records, and having stood over for consideration till this day, this Court delivered the following ...

JUDGMENT

1. The Gist of the Final Report: -

On 17.09.2025 at 15.00 hours, the accused abused the defacto complainant, Thalavai Raja, and attempted to commit murder and made a life threat to the witnesses and the defacto complainant. Based on the above complaint, the police registered the case, investigated, and charged the accused with the offence under Section 296(b), 109(1), 351(3) of the BNS.

2. The charge sheet has been received and has been taken on file in PRC No. 125/2025 in the file of the Judicial Magistrate Court, Cheranmahadevi. The charge under Section 109 of the BNS is exclusively triable by the Court of Sessions. The learned Judicial Magistrate, after furnishing the copies of the documents and materials to the accused, has committed this case to the Principal Sessions Court, Tirunelveli under Section 232(a) of the B.N.S.S. The Hon'ble



Principal District and Sessions Court, Tirunelveli, has taken the above case on file in Sessions Case No. 882/2025 and made over the case to this Court for disposal in accordance with law.

3. On the appearance of the accused and on hearing the learned Additional Public Prosecutor appearing for the prosecution and the learned counsel appearing for the accused and upon considering the materials and documents, the charge against the accused under Section 296(b), 109(1), 351(3) of the BNS was framed. The charge was read over to the accused in Tamil, and he questioned the charge, and he denied the charge, and claimed to be tried. Then, the case was adjourned for trial.

4. To prove the prosecution's case, the prosecution has examined PW-1 to PW-6 and marked Ex. P-1 to Ex. P-10 and MO-1 were marked.

5. The brief of prosecution witnesses is as follows: -

(i) The PW-1 is the defacto complainant, and he deposed that he did not know the case and the occurrence. He turned hostile and did not support the prosecution's case. He only admitted his signature was found in the complaint. The signature of PW-1 in the complaint is marked as Ex. P-1.



(ii) PW-2 and PW-3 are the eyewitnesses to the occurrence. They also turned hostile and did not support the prosecution's case.

(iii) The PW-4 and PW-5 are the witnesses to the Observation Mahazar. They turned hostile and did not support the prosecution's case. They admitted their signature found in the Observation Mahazar, which is marked as Ex. P-2 and Ex. P-3 respectively.

(iv) The PW-6, Sub-Inspector of police, Cheranmahadevi police station, deposed that on 17.09.2025 at 16.00 hours, he received the complaint from the PW-1, namely Thalavai Raja, and registered the case in Cr. No. 396/2025 under Section 296(b), 109(1), 351(3) of the B.N.S. The complaint is marked as Ex. P-4; the FIR is marked as Ex. P-5.

(v) Then, he handed over the case file to the Inspector of police, Mr.Dharmaraj. Then, he received the case file from me and went to the place of occurrence on the same day at 17.00 hours, prepared Observation Mahazar and Rough Sketch in the presence of PW-4 and PW-5. The Observation Mahazar and Rough Sketch are marked as Ex. P-6 and Ex. P-7. Then, he examined the witnesses. On the same day, he arrested the accused near the Cheranmahadevi Old Bus Stand in the presence of Kanagamuthu @ Sathish and Murugan. At the time, he gave a statement and was recorded by the police. Based on the statement



of the accused, the IO recovered the M.O.1. The admitted portion of the confession statement of the accused is marked as Ex. P-8. The Seizure Mahazar is marked as Ex. P-9. The material objects were sent to the Judicial Magistrate Court through Form-91. The said Form-91 is marked as Ex. P-10. He laid the charge sheet against the accused.

6. The incriminating evidence on record was put to the Accused and examined under Section 351(1)(b) of B.N.S.S. The accused stated that a false case has been foisted against him. However, the accused have not adduced any defence evidence.

7. In this case, the point for consideration is,

1. Whether the prosecution has proved the offence under Section 296(b), 109(1), 351(3) of the B.N.S. against the accused beyond a reasonable doubt?
2. Whether the victim is entitled to compensation under Section 396 of the BNSS?

8. Heard both sides. This court carefully perused the oral, documentary evidence, and case records.

9. Submission of the Prosecutor:

The learned counsel for the State submits that even if the prosecution witnesses turned hostile, the recovery was proved through the confession of the



accused and established the prosecution's case. So, this court may consider the prosecution's case, and he may convict the accused.

10. Submission of the defence counsel:

The learned counsel for the accused submits that the prosecution witnesses did not prove any facts in this case. Further, the defacto complainant and eyewitnesses did not prove the prosecution's case. So, this court may acquit the accused of all charges.

11. Answer to the Point no. 1:-

11.1. As per the revival submissions of both sides, this Court considers the charge of the offence under sections 296(b), 109(1), 351(3) of the B.N.S.

Section. 296(b) of the BNS.

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both

Section. 109 of the BNS.

1) Whoever does any act with such intention or knowledge, and under such circumstances that, if he by that act caused death, he would be guilty of murder, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine; and if hurt is caused to any person by such act, the offender shall be liable either to imprisonment for life, or to such punishment as is hereinbefore mentioned.

(2) When any person offending under sub-section (1) is under sentence of imprisonment for life, he may, if hurt is caused, be punished with death or with imprisonment for life, which shall mean the remainder of that person's natural life.



Section. 351(3) of the BNS.

(3) Whoever commits the offence of criminal intimidation by threatening to cause death or grievous hurt, or to cause the destruction of any property by fire, or to cause an offence punishable with death or imprisonment for life, or with imprisonment for a term which may extend to seven years, or to impute unchastity to a woman, shall be punished with imprisonment of either description for a term which may extend to seven years, or with fine, or with both.

11.2. As per the above charges, this court considers the oral evidence of the prosecution. The PW-1, PW-2, and PW-3 are the Defacto complainant and the eyewitnesses to the occurrence have also turned hostile. The PW-1 has not confirmed his complaint and only admitted his signature.

11.3. Further, the PW-4 and PW-5, Observation Mahazar witnesses, were also turned hostile.

11.4. As per the evidence of the PW-6, the Sub-Inspector of police, Mr. Dharmaraj, received the case file from him, who received the complaint from the PW-1 and registered the FIR.

11.5. Further, the police visit to the place of occurrence was not confirmed by the independent witnesses. Further, the confession of the accused was also not proved. So, the prosecution has not proved the case that the accused is involved in the commission of the offence and recovery of the M.O. 1 beyond a reasonable doubt against the accused.



11.6. So, this court held that the prosecution has failed to establish the offence under Section 296(b), 109(1), 351(3) of the B.N.S. against the accused. The prosecution has not proved the case beyond a reasonable doubt. So, the accused is entitled to the benefit of doubt. On the benefit of doubt, the accused is entitled to the relief of acquittal. Accordingly, point no. 1 is decided.

12. Answer to Point no. 2:-

In this case, the PW-1/the defacto complainant did not support the prosecution. The prosecution witnesses did not depose about the occurrence or any facts of this case, and turned hostile, except the Investigation Officer. So, this court would not like to recommend this case for the victim compensation to the District Legal Services Authority, Tirunelveli. Accordingly, point no. 2 is decided.

13. Conclusion: -

As per the discussions in Point no. 1, the prosecution has not proved the offence against the accused beyond a reasonable doubt, and the same, the accused is entitled to the benefit of doubt and liable to be acquitted. Further, this court would not like to recommend the compensation under Section 396 of the BNSS.



14. In the result,

(i) The accused is found not guilty of the offence under Section 296(b), 109(1), 351(3) of the B.N.S. and acquitted under Section 258(1) of the BNSS.

(ii) The accused is under judicial custody. So, this court is ordered to release the accused immediately unless he is required for any case to detention.

(iii) Bail bond, if any, against the accused is hereby cancelled.

(iv) The MO-1 is ordered to be destroyed after the appeal time. If any appeal is made, it will be disposed of as per the order of the appellate court.

(v) There is no order for referring the compensation under section 396 of the B.N.S.S.

This judgment is dictated to the steno-typist Gr.-I directly, typed in the computer; corrected and pronounced by me in open court, on this the 19th day of June 2026.

1st Additional District & Sessions Judge,
Tirunelveli.

Prosecution side Witnesses:-

- | | |
|------|---|
| PW-1 | Mr. Thalavai Raja |
| PW-2 | Mr. Rajesh |
| PW-3 | Mr. Prakash |
| PW-4 | Mr. Kumar |
| PW-5 | Mr. Subramanian |
| PW-6 | Mr. Vijayakumar (Sub-Inspector of Police) |

Prosecution side Exhibits:-

Ex. P-1	17.09.2025	Signature of PW-1 in the Complaint
Ex. P-2	17.09.2025	Signature of PW-4 in the Observation Mahazer
Ex. P-3	17.09.2025	Signature of PW-5 in the Observation Mahazer
Ex. P-4	17.09.2025	Complaint of PW-1
Ex. P-5	17.09.2025	First Information Report
Ex. P-6	17.09.2025	Observation Mahazer
Ex. P-7	17.09.2025	Rough Sketch
Ex. P-8	17.09.2025	Admitted portion of the confession statement of the accused
Ex. P-9	17.09.2025	Seizure Mahazer
Ex. P-10	17.09.2025	Form – 91

Material Objects:

M.O-1 Billhook

Defence Side Witness, Exhibits, and Material Objects: Nil

1st Additional District & Sessions Judge,
Tirunelveli.

TNTL010099472025



S.C. No. 882/2025

I Addl. District and Sessions Court,
Tirunelveli
S.C.No. 882/2025
Dated 19.06.2026
Draft/Fair Judgment