



Date & time of reported to police 22.06.2018 at 4.30 Hrs.  
 Date & Time FIR reached the court 22.0 6.2018 at 8.37 PM.  
 Findings of the Court Accused A1 to A4 are not found guilty.

Result of the Court **In the result, Accused Nos.1 to 4 are found not guilty of the offences u/s 341 r/w 34 IPC, 294(b) IPC, 353 of IPC r/w 34 IPC, 332 r/w 34 IPC and 3(1) of Tamil Nadu Properties (Prevention of Damage and Loss) Act 1992. Accordingly, Accused No. 1 to 4 are acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused are ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.**

**The properties remanded in this case, broken glass pieces are ordered to be destroyed after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.,**

Prosecution side Witnesses PW-1 to PW-11  
 Prosecution side Exhibits Ex.P1 to Ex.P12  
 Prosecution side Material Objects NIL  
 Defence side witnessess Nil

|                       |            |
|-----------------------|------------|
| Defence side Exhibits | Nil        |
| Final hearing on      | 30.03.2026 |
| Judgment on           | 17.04.2026 |

This Sessions case coming on 30.03.2026 before me for final hearing in the presence of Mr.C.Ravichandran, Learned Additional Public Prosecutor on behalf of Prosecution and M/s D. Lemuvel, C. Murugan, Learned Counsel for the accused and upon hearing their arguments having stood over for consideration till this day, this court delivered the following:

### **JUDGMENT**

The Inspector of Police, Pattabiram police station filed the Final Report as against the Accused No.1 to 4 stating that the defacto complainant Ravikumar is the driver of Tamil Nadu Transport corporation. On 21.06.2018 when the defacto complainant was driving the bus bearing Route No.47, Fleet No.323 AVJ in the Avadi to Mittanamalli route with the help of Umapathy, the conductor in the bus, at about 4.45 PM, Accused No.1 came in two wheeler from a street to the main road rashly, thus, the defacto complalinant applied brake to prevent accident, thus A1 quarreled with the defacto complalinant and abused him in filthy language, but the defacto complainant took the bus towards Mittanamalli. Consequently, at about 5.10 PM, when the said bus was coming from Muthapudupet to Avadi , the accused came into the said bus and abused the defacto complainant in filthy language and assaulted him

with hands and damaged the rear view mirror and caused damage to the value of Rs.50/- and collection loss of Rs. 1800/-, thus, the accused appears to have committed the offences u/s 341, 294(b), 332, 353 IPC r/w 34 IPC and section 3(1) of Tamil Nadu Properties (Prevention of Loss and Damage) Act 1992.

2. The Judicial Magistrate No.II, Tiruvallur took the final report on his file in P.R.C.No.17/2021 and complied with the provisions of Section 207 Cr.P.C. for the accused A1 to A4. After perusal of the records filed by the prosecution, the Judicial Magistrate No.II, Tiruvallur came to the conclusion that the offense u/s 3(1) of TNPPDL Act against the accused is exclusively triable by the Court of Sessions, therefore committed the case to the Principal Sessions Court, Tiruvallur on 22.02.2023, which was taken on file as S.C.No.309/2024 and then this case was made over to this court.

3. After appearance of the accused, this court has satisfied that Section 207 Cr.P.C. has been complied with and after hearing both sides, this court framed charges u/sec. 341 r/w 34 IPC, 294(b) IPC, 353 of IPC r/w 34 IPC, 332 r/w 34 IPC and 3(1) of Tamil Nadu Properties (Prevention of Damage and Loss) Act 1992. When charges were explained to the accused A1 to A4 and questioned about the commission of offense, they pleaded not guilty and claimed to be tried.

4. On the side of prosecution, 11 witnesses were examined and Ex.P1 to Ex.P12 was marked. No material object was marked. On the side of the accused, no witnesses were examined and no exhibits were marked.

**5. Brief case of the prosecution is as follows:**

PW1 Thiru. Ravikumar is the defacto complainant and victim. He admitted his signature in his complaint **Ex.P1**. since PW1 did not support the case of prosecution he was treated hostile.

PW11, Thiru. Palani, the Inspector of Police, received the complaint from PW1 and registered, Ex.P7 , First Information Report u/s 294(b), 332 r/w Section 3 of TNPPDL Act. He went to the place of occurrence, and prepared, observation mahazar and Ex.P8 rough sketch. He seized some broken glass pieces from the place of occurrence under Ex.P10 seizure mahazar. On 22.06.2018, he arrested the accused No.1 and recorded his confession statement, Ex.P11 in the presence of witnesses Manoharan and Karunakaran. Thereafter, on 24.06.2019, he arrested the accused Lokesh and Vasanthakumar. After examining all the witnesses, prepared Ex.P12, Section alteration report, thereby altering the section into 294(b), 332, 341, 353, 34 IPC and section 3(1) of TNPPDL Act and filed the Final Report.

PW2 Rajendran , PW3 Parthasarathy, PW4 Ramesh Babu are the occurrence witnesses. Since they did not support case of prosecution, they were treated hostile.

PW5 Kannadasan is the attesting witness in observation mahazar and seizure mahazar. He admitted his signature, Ex.P2 and Ex.P3 in the observation amahazar and seizure mahazar. Since he did not support the case of prosecution, he was treated hostile. PW6 is the attesting witness in the confession statement of A1, he admitted

his signature, Ex.P4, but did not support the case of prosecution, hence treated as hostile.

PW7 Karunakaran is the attesting witness in the confession statement of Accused No.2, he admitted his signature, Ex.P5, but did not support the case of prosecution, hence treated as hostile.

PW8 Thiru. Balasubramani is the Assistant Branch Manager of Avadi Depot, who issued certificate of duty of the Driver Ravikumar and conductor, Umapathy.

PW9 Thiru. Gnanaprakasam is the Branch Manager at Avadi Depot who inspected the damaged Bus and issued certificate as damage Rs.250/- and collection loss at Rs.1800/-, thus total Rs.2050/- loss certificate,

PW10 Dr. Santhini is the doctor who had given treatment and issued Accident Register, **Ex.P6** to PW1 Ravikumar,

With examination of PW11, the prosecution evidence was closed.

6. When the accused were examined u/s. 313 (1)(b) of Cr.P.C on the incriminating circumstances found against them in the evidence of the prosecution witnesses, they denied the same as false and they stated that they have no evidence to examine on their side.

7. The point for determination is whether the prosecution has proved the charges U/s 341 r/w 34 IPC, 294(b) IPC, 353 of IPC r/w 34 IPC, 332 r/w 34 IPC and 3(1) of Tamil Nadu Properties (Prevention of Damage and Loss) Act 1992 as against accused beyond all reasonable doubt?

**8. Point:**

9. Heard both side.

10. The case of the prosecution is that on 21.06.2018 at about 5.10 PM on the Muthapudupet Road to Avadi, the accused persons due to previous enmity with the driver of the Bus bearing Route No.47, Fleet No.323 AVJ , came into the bus and assaulted the driver and damaged the rear window, thereby causing damage to the value of Rs.250/- and loss to the collection by Rs.1800/-. The complaint was given by defacto complainant Ravikumar, the driver and the injured person and after completing the investigation, the Investigating Officer filed the final report u/s 341, 294(b), 332, 353 IPC r/w 34 IPC and section 3(1) of Tamil Nadu Properties (Prevention of Loss and Damage) Act 1992.

11. In order to prove the prosecution case as against the accused person, totally 11 witnesses were examined and 12 exhibits were marked, but no material object was marked.

12. Out of the prosecution side witnesses, P.W.1 is the driver of the Bus and PW2 is the conductor. PW3 and PW4 are occurrence witnesses. PW5 is the attesting witness in the observation mahazar and seizure mahazar, PW6 and PW7 are the attesting witnesses in the confession statements of A1 and A2. PW8 is the Assistant Manager of Avadi Depot who issued duty certificate to PW1 and conductor. And PW9 is the Manager of the Avadi Depot, who issued the damage certificate. PW10 is

the doctor who treated PW1 and issued Accident Register. PW11 is the Investigating Officer.

13. On perusal of evidence on the side of the prosecution, in this case, the entire prosecution case rests upon the evidence of Metropolitan Transport corporation witnesses, i.e. PW1, PW2 to PW4 who are cited as occurrence witnesses were on duty. However, none of the occurrence witnesses have properly identified the accused persons. PW1 who is the Driver of the Bus has stated that after the occurrence, when he got down from the bus found that two persons were caught hold by the other staff members in the bus depot. PW1 though admitted his signature in the complaint has not corroborated either the contents in the complaint or about the act of the accused, thus turned hostile. It is evident that PW1 has not identified whether the accused persons have pelted stones to cause damage, he has admitted in his evidence that,

“திடீரென்று கூட்டமாக வந்து பஸ்சை மடக்கி என்னை தாக்கினார்கள், அதில் நான் மயங்கி விழுந்துவிட்டேன் கண்விழித்து பார்த்தபோது திருவள்ளூர் அரசு மருத்துவமனையில் இருந்தேன். என்னை யார் அடித்தார்கள் என்று தெரியாது.”

Though PW1 is the direct witness and also complainant, he has not corroborated the contents in the complaint at the time of his evidence.

14. In this case, prosecution has projected, PW2 to PW5 also as occurrence witness. But, none of these witnesses have stated about the alleged overtact of the accused persons. The above evidence of PW1 to PW5 shows that none of the witnesses have identified both the accused persons that they were involved in the offence of pelting stones over bus at the time of incident and also assaulted PW1. Further, contrary to his evidence, PW1 had admitted that many persons present in the place of occurrence who had quarreled with the police, but he could not specifically state that how he had culminated only the names of the accused persons in his complaint, Ex.P1.

15. Thus, the above evidence of PW1, PW2 and PW5 are totally contradictory to the evidence of each other as to the identification of accused persons as well as number of accused persons gathered and present in the place of occurrence.

16. Further, PW11 the Investigating Officer has admitted that they have not stated anything about the time and how many accused persons were involved during the alleged occurrence. Therefore, when the witnesses examined as above have stated different versions with respect to the number of accused persons who were present and committed the alleged offence, the prosecution has to explain how the accused persons herein only were implicated or chosen to be arrayed as accused. But, none of the witnesses who have allegedly caught the accused persons during the alleged occurrence have been examined as witnesses in this case to state about the

involvement of the accused persons as to whether they have pelted stones over the bus and caused damage.

17. Furthermore, none of the independent witnesses were examined in this case. Therefore, except the contradictory evidence of the PW1 to PW5, who are all turned hostile, there is no concrete evidence available to pinpoint the accused persons in this case as they were present in the alleged place of occurrence and damaged the Government Bus. Therefore, the evidence of PW1 to PW5, who were cited as the witnesses to identify the accused persons and speak about the occurrence have not identified the accused persons properly, which is contradictory to the evidence of PW1, the defacto complainant,.

18. Therefore, this Court holds that contradiction about the overt acts of the respective accused persons renders the prosecution case as against the accused not proved beyond doubt, and the prosecution case is based on the ocular evidence of interested witnesses, who are only the bus depot personnel. Even the observation mahazar witness PW5 and confession witnesses, PW6 and PW7 and also seizure mahazar witness have not supported the case of prosecution as to the place of occurrence.

19. Hence, in the absence of evidence of the defacto complainant himself as he turned completely hostile, as the evidence of PW1 to PW6 failed to pinpoint the specific overtact of each accused in the alleged commission of offence the

prosecution has miserably failed to prove the offences as against the accused persons A1 to A4 as to their involvement in the occurrence

20. It is settled law that in criminal cases that the testimony of series of witnesses even if they claim to have directly witnessed an event, cannot be considered as sufficient to prove a case beyond a reasonable doubt, particularly if there are doubts about their credibility or if the allegations are serious. Here, the prosecution failed to bring in the evidence of independent witnesses, whom they alleged that they caught both the accused after the occurrence. Even though, absence of independent witnesses is not automatically fatal to a prosecution case, only if the existing evidence is credible, corroborative evidence is additional evidence that strengthens or confirms a claim or statement. In criminal law, it is used to support a witness's testimony.

21. The Hon'ble Apex Court in the authority reported in [2005] INSC 162 (*Hemraj and Others Vs. State of Haryana*) held that,

***“In Hem Raj v. State of Haryana (AIR 2005 SC 2110: 2005 AIR SCW 1885) Supra, this Court has held that non examination of independent witnesses by itself may not give rise to adverse inference against the prosecution, but when the evidence of the alleged eyewitnesses raises serious doubts on the point of their presence at the time of actual occurrence, the unexplained omission to examine the independent witnesses would assume significance.”***

Here, the alleged occurrence was during daylight at about 5.10 PM. and it allegedly happened in a public place, i.e. road. Therefore, the availability of credible evidence of independent witnesses is necessary. The Hon'ble Apex Court specifically time and again reiterates the need for evidence of independent witnesses to strengthen the case of prosecution even though the same is not an obligatory tool to test the credibility of a sole occurrence witness.

22. In this case, except the contradictory evidences of PW1, PW2 and PW5, those evidences stands alone without any supporting details from other sources, especially in the absence of any independent witnesses. Therefore, considering the evidences adduced on the side of prosecution, the evidence of transport official alone does not inspire confidence of this court as their evidence are contradictory to each other as to the number of accused and also as to the identification of both the accused and their alleged involvement in the crime.

23. Admittedly, PW11 arrested the Accused No.1 and recorded the confession on 22.06.2018 in the presence of PW6. Likewise he arrested Accused No.2 and 3 on 24.06.2019 and recorded the confession in the presence of PW7. However, both the attesting witness in the confession have turned hostile and depose nothing about the occurrence or about the alleged confession. Hence, this Court considers that in the absence of any attesting witness the confession allegedly given by the Accused is also not proved, since it does not tally with the requirement of section 27 of Indian Evidence Act.

24. Though PW11, the Inspector of Police who are the investigating Officer deposed about the investigation conducted by them on his part, since the accused persons were not properly and specifically identified by the prosecution witnesses correctly by all the police witnesses on the side of prosecution and also all the independent witnesses were turned hostile, the evidence of PW11 is not sufficient to prove the case of prosecution in the absence of any other independent witness to corroborate the evidence of transport officials, to speak about the involvement of accused persons so as to connect them with the alleged occurrence.

25. It is the case of the prosecution that the accused persons at the time of alleged occurrence damaged the backside mirror of the Government Bus. But, the witnesses who were in the above said government bus are not examined, to depose either the presence of accused or the persons who have damaged the vehicle. In this case, except producing some glass pieces of windows of the damaged bus, no other articles either the broken items or photographs is produced to prove that the damage to the value of Rs.250/-. While the defacto complainant who had certified the damage as Rs.2050/-, including the loss of ticket, contrarily given the complaint stating nothing about the alleged damage. Therefore only with the evidence of damage valuation certificate, this Court concludes that there is no material evidence available to prove the charges u/s 3(1) of TNPPDL Act as against the accused persons that they caused damage and loss to the Government Bus on the day of alleged occurrence.

26. So, on conjoint reading of the entire evidences and documents, this Court is not able to consider the case of prosecution as against the accused, since the evidence of witnesses are contradictory to each other and the same are not corroborated by any other independent witnesses, and the witnesses who have allegedly caught the accused persons during the alleged occurrence were also not examined in this case, there is no chain of evidence to connect the accused persons to this case. Thus, the prosecution has failed to prove their case that it was the accused A1 to A4 had committed the offence.

27. So, while considering the facts and circumstances of the case, this Court finds that the prosecution has failed to prove the offences as against the Accused A1 to A4 under section 3 (1) of Tamil Nadu Property Prevention of Damage and Loss Act and so, the above said accused are found not guilty of the above said offence.

**In the result, Accused Nos.1 to 4 are found not guilty of the offences u/s 341 r/w 34 IPC, 294(b) IPC, 353 of IPC r/w 34 IPC, 332 r/w 34 IPC and 3(1) of Tamil Nadu Properties (Prevention of Damage and Loss) Act 1992. Accordingly, Accused No. 1 to 4 are acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused are ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.**

**The properties remanded in this case, broken glass pieces are ordered to be**

**destroyed after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.**

Dictated by me to the Stenographer directly typed by her in computer, corrected and pronounced by me in the open court on the 17<sup>th</sup> day of April, 2026.

**I Additional District and Sessions Judge  
Tiruvallur**

**1. List of Witnesses examined on the side of the Prosecution:-**

|      | Name of the witnesses | Date of Chief Examination | Date of Cross examination |
|------|-----------------------|---------------------------|---------------------------|
| PW1  | Thiru. Ravikumar      | 20.01.2026                | 20.01.2026                |
| PW2  | Thiru. Rajendran      | 20.01.2026                | 20.01.2026                |
| PW3  | Thiru. Parthasarathy  | 20.01.2026                | 20.01.2026                |
| PW4  | Thiru. Ramesh Babau   | 20.01.2026                | 20.01.2026                |
| PW5  | Thiru. Kannadasan     | 29.01.2026                | 29.01.2026                |
| PW6  | Thiru. Manoharan      | 29.01.2026                | 29.01.2026                |
| PW7  | Thiru. Karunakaran    | 29.01.2026                | 29.01.2026                |
| PW8  | Thiru. Balasubramani  | 17.02.2026                | 17.02.2026                |
| PW9  | Thiru. Gnanaprakasam  | 29.01.2026                | 29.01.2026                |
| PW10 | Dr. Santhini          | 03.03.2026                | 03.03.2026                |
| PW11 | Thiru. Palani (I.O.)  | 07.03.2026.               | 07.03.2026.               |

**2. List of Exhibits marked on the side of the Prosecution:**

|       |            |  |
|-------|------------|--|
| Ex.P1 | 21.06.2018 | Signature of PW1 Ravikumar in the complaint    |
| Ex.P2 | 21.06.2018 | Signature of PW5 Kannadasan in the Observation |

## Mahazar

|        |            |   |
|--------|------------|---|
| Ex.P3  | 21.06.2018 | Signature of PW5 Kannadasan in the seizure mahazar  |
| Ex.P4  | 22.06.2018 | Signature of PW6 in the confession statement of A1. |
| Ex.P5  | 24.06.2018 | Signature of PW7 in the confession statement of A2. |
| Ex.P6  | 21.06.2018 | Accident Register issued to PW1 Ravikumar           |
| Ex.P7  | 21.06.2018 | First Information Report                            |
| Ex.P8  |            | Rough sketch  |
| Ex.P9  |            | Observation Mahazar                                 |
| Ex.P10 |            | seizure mahazar                                     |
| Ex.P11 |            | Confession Statement of Accused No.1.               |
| Ex.P12 |            | Section alteration report                           |

2. **Material Objects on the side of the Prosecution:** NIL

4 **List of Witnesses and exhibits , on the side of defence :** NIL

### **5. CASE SUMMARY**

(As per Hon'ble High Court, Madras ROC No.814/2020/RG/F1 and P.Dis.No.36/2021 dt. 07.04.2021)

|       |   |   |
|-------|---|---|
| (i)   | Period of Remand of the Accused   | Date of Remand :<br>22.06.2018<br>Date of release<br>04.07.2019 |
| (ii)  | Date of filing of the Final Report in the Court   | 13.08.2021  |
| (iii) | Date of committal of the case to the Court of Sessions                                      | 22.02.2023  |
| (iv)  | Date of questioning of Accused u/s 228 Cr.P.C.  | 08.11.2024  |
| (v)   | Filing of Miscellaneous Petitions (except routine petitions like petitions u/s 317 Cr.P.C.) | NIL   |

|        |   |            |
|--------|---|------------|
| (vi)   | Date of Examination of Accused u/s 313(1) (b) CrPC.   | 11.03.2026 |
| (vii)  | Details of Abscondance of Accused                     | NIL        |
| (viii) | Grant of Stay by superior Courts and results thereof. | NIL        |

**I Additional District and Sessions Judge  
Tiruvallur**

**Judgment in**  
S.C.No 103/2020  
D.D : 09/12/2025  
Principal Sessions Court  
Tiruvallur

**Sessions Case No. 309/2024****Date : 17/04/2026**

**Accused No.1 to 4 are present.  
Judgment pronounced in the Open Court.**

**In the result, Accused Nos.1 to 4 are found not guilty of the offences u/s 341 r/w 34 IPC, 294(b) IPC, 353 of IPC r/w 34 IPC, 332 r/w 34 IPC and 3(1) of Tamil Nadu Properties (Prevention of Damage and Loss) Act 1992. Accordingly, Accused No. 1 to 4 are acquitted under Section 235(1) of Cr.P.C. for the above said offences. The bail bond executed by the Accused are ordered to be cancelled after lapse of appeal time or if any appeal is preferred, after disposal of appeal.**

**The properties remanded in this case, broken glass pieces are ordered to be destroyed after the expiry of appeal time, or if appeal is preferred, as per the orders in the appeal.,**

**I Additional District and Sessions Judge,  
Tiruvallur**