

**IN THE COURT OF JUDICIAL MAGISTRATE, THIRUVOTTIYUR**

**Present: Thiru. K. Karthik, M.L.,  
Judicial Magistrate, Thiruvottiyur.  
Thursday, the 04<sup>th</sup> day of June 2026  
CC. No. 310/2024  
CNR. No. TNTR 280060212024**

State: Represented by the  
Sub Inspector of Police,  
M.6 Manali Police Station, (Law & Order)  
Manali, Chennai – 600 068.  
(Cr.No.38/2022)

... Complainant

-Vs-

A1. Dharani Babu, aged about 43 years,  
S/o. Sampath,  
No. 48E, Balaraman Street, Manali,  
Chennai – 600 068.

A2. Selva Kumar @ Selva, aged about 32 years,  
S/o. Mani,  
No. 48E, Balaraman Street, Manali,  
Chennai – 600 068.

A3. Kumar, aged about 52 years,  
S/o. Perumal,  
No. 16, New MGR Nagar,  
Manali, Chennai – 600 068.

...Accused 1 to 3

**CASE SUMMARY**

| <b>S. No</b> | <b>Particulars</b>                               | <b>Details</b>    |
|--------------|--------------------------------------------------|-------------------|
| I            | Period of Remand of Accused:                     | A1 to A3 (4 days) |
| II           | Taken on file:                                   | 22.11.2024        |
| III          | Date of questioning of accused<br>U/s. 251BNSS : | 17.06.2025        |

|      |                                                                  |                                                          |
|------|------------------------------------------------------------------|----------------------------------------------------------|
| IV   | Filing of miscellaneous petitions:                               | NIL                                                      |
| V    | Date of examination in chief and cross-examination of witnesses: | PW1 – 11.03.2026<br>PW2 – 11.03.2026<br>PW3 – 20.04.2026 |
| VI   | Date of examination of accused U/s.351BNSS:                      | 12.05.2026                                               |
| VII  | Details of abscondence of accused:                               | Nil                                                      |
| VIII | Grant of stay by superior court:                                 | Nil                                                      |

The case came up for final hearing on 04.06.2026 in the presence of Mr. Mohan, Learned Assistant Public Prosecutor, (Grade-I) for the complainant police, and M/s. S. Mohamed Idris, G. Deepan & K. Rajasekar, learned counsels for the accused A1 to A3. Upon perusal of the material records and evidence available on record, and upon hearing the arguments advanced on either side and the matter having been reserved for consideration till this day, this Court proceeds to deliver the following Judgment:

### **JUDGEMENT**

1. The Sub-Inspector of Police, M.6 Manali Police Station, (Law & Order) filed a final report against the accused A1 to A3 for the offences punishable U/s. 448, 324 & 506(ii) IPC. The case of the prosecution, as unfolded through the complaint is that the defacto complainant, namely M. Balraj, was carrying on business in the name and style of “Saraswathi Hardwares” at Kamarajar Street. He was also functioning as the President

of the Merchants' Association in the Manali–Chekkadu area and was engaged in building construction work as a contractor. According to the prosecution, on 05.02.2022 at about 12.30 p.m., the complainant was undertaking construction work at Flat No.153 situated on Kamarajar Road, Manali, belonging to one Kalu Ram, employing about ten labourers from other States. At that time, one Abul, a mason working under the complainant, was carrying out plastering work in a shop building under construction. While so, a small quantity of cement allegedly fell upon one Dharani, who was carrying on work in the adjacent premises. Enraged by the said incident, the accused Dharani unlawfully entered the construction site where Abul was working and picked up a quarrel with him. It is alleged that Dharani assaulted Abul with a hammer and a wooden log, causing injuries on his right hand, right shoulder and head. Upon receiving information regarding the occurrence over the telephone, the complainant rushed to the scene of occurrence.

2. When the complainant attempted to intervene and pacify the situation, Dharani, along with his brother-in-law and another person accompanying him, attacked the complainant and stabbed him on his left elbow. Thereafter, the injured Abul was sent to the Stanley Government Hospital for treatment through one Naveen Kumar, an engineer working under the complainant. The prosecution further alleges that before leaving the place of occurrence, the accused persons criminally intimidated the complainant and the workers employed by him by brandishing a wooden log and threatening that they would be killed if they continued to work there.

Thereby, the prosecution had alleged the accused A1 to A3 had committed an offence punishable U/s. 448, 324 & 506(ii) IPC.

3. After perusing the final report and the documents filed in support of the same, this court took cognizance against the accused A1 to A3 U/s. 448, 324 & 506(ii) IPC and issued summons for appearance of all the 3 accused.
4. On appearance of accused A1 to A3, the copies of the final report and the documents were supplied free of cost U/s. 230 BNSS. The particulars of substance of offences were put to the accused A1 to A3 and questioned. To which, the accused A1 to A3 pleaded not guilty and denied the case. Trial was ordered. The prosecution was directed to adduce its evidence.
5. In order to prove the guilt of the accused, the prosecution examined PW1 to PW3 and marked Ex.P.1 to Ex.P.7 on its side. Further, the material objects, namely M.O.1 (Wooden log – 1 No) to have been used in the commission of the offence, were also marked before this Court.

#### **EXAMINATION OF THE PROSECUTION WITNESSES:-**

6. PW1 ie., the defacto complainant deposed that he did not know the accused persons. He deposed that about two or three years prior to his examination, he had seen a group of persons standing on the street and quarrelling among themselves. Except for the said incident, he stated that

he was not aware of any other facts relating to the case. PW1 further identified the signature found in the document shown to him before the Court as his own signature. **The complaint was marked as Ex.P.1.**

7. PW2 deposed that he was a native of the State of West Bengal and was presently residing at Manali. He stated that he did not know the accused persons who were present before the Court. He further deposed that he did not know who had assaulted him. According to him, a group of persons had been engaged in a quarrel and scuffle. He stated that he was not aware of any other facts relating to the case. PW2 further deposed that the police had not examined or enquired with him in connection with the present case.
8. PW3 deposed that he was presently serving as a Sub-Inspector of Police at M.6 Manali Police Station. He further deposed that since Sub-Inspector of Police Thiru. Saravanan had been transferred from service at the said station, he was well acquainted with the signature and handwriting of the said officer and was therefore competent to depose regarding the investigation conducted by him. PW3 deposed that on 05.02.2022 at about 1.30 p.m., while Thiru. Saravanan was serving as the Sub-Inspector of Police at M.6 Manali Police Station and was attending to station duties, he had received a complaint from one Balraj. The said complaint was assigned CSR No.34/2022 and enquiry was conducted. Upon enquiry, the occurrence was found to be true. Consequently, based on the said complaint, on 06.02.2022 at about 8.00 a.m., a case in Crime No.38/2022

of M.6 Manali Police Station was registered U/s. 448, 324 & 506(ii) IPC and taken up for investigation. **The First Information Report was marked as Ex.P.2.**

9. PW3 further deposed that thereafter, at about 9.30 a.m., the Investigating Officer had proceeded to the scene of occurrence and, in the presence of witnesses Ajay Prasanna and Palani Murugan, inspected the place of occurrence and prepared an Observation Mahazaar and a Rough Sketch. **The Observation Mahazaar and Rough Sketch were marked as Ex.P.3 and Ex.P.4 respectively.** PW3 further deposed that the Investigating Officer had examined Abdul, Naveen Kumar, Surya and Vignesh and, upon finding that the occurrence had in fact taken place, arrested the accused in this case, namely Dharani Babu, Selvakumar @ Selva and Kumar, near Manali Market at about 10.00 a.m. On the same day, in the presence of witnesses Ganesh and Sukumar, who were witnesses to the occurrence, the voluntary confession statement given by Accused No.1, Dharani Babu, at about 10.12 a.m., was recorded. **The admissible portion of the confession statement was marked as Ex.P.5.**

10. PW3 further deposed that pursuant to the said confession statement, a wooden log alleged to have been used by the accused during the commission of the offence was recovered under Form-91 in the presence of the same witnesses. **Form-91 was marked as Ex.P6 and the wooden log was marked as M.O.1.** Thereafter, the accused were brought to the police station and remanded to judicial custody. PW3 further deposed that

the Investigating Officer had examined Dr. Charles of Stanley Government Hospital, who had provided first aid treatment to the injured Abdul, and Dr. Rajkumar, who had issued the wound certificate certifying the injuries as simple in nature, and recorded their statements. **The wound certificate was marked as Ex.P.7.** PW3 finally deposed that after completing the investigation, the Investigating Officer had laid the final report before the jurisdictional Court on 10.03.2022.

11. After completion of the prosecution side evidence, the incriminating substances present in the testimonies of prosecution witnesses were put to the accused A1 to A3 and questioned. To which, the accused A1 to A3 denied it as false evidence. On the side of accused, no evidences were examined and no documents were marked.

**POINT TO BE DETERMINED:-**

12. Whether the prosecution has proved beyond reasonable doubt that on 05.02.2022 at about 12.30 p.m., at the construction site situated on Kamarajar Road, Manali, the accused A1 to A3 had criminally trespassed into the said premises, voluntarily caused hurt to PW2 Abdul by means of a hammer and a wooden log, and criminally intimidated PW1 and the labourers working under him with threats to their lives, thereby committing offences punishable U/s. 448, 324 and 506(ii) IPC ? is the point to be determined.

## **DISCUSSION:-**

13. The entire prosecution case rests upon the evidence of PW1 Balraj, the defacto complainant, and PW2 Abdul, the injured witness. According to the prosecution, PW2 was assaulted by the accused persons and PW1 had witnessed the aftermath of the occurrence and was allegedly threatened by the accused. Therefore, PW1 and PW2 are the star witnesses whose evidence forms the foundation of the prosecution case. However, upon careful scrutiny of the evidence of PW1, it is seen that he did not support the prosecution case in any manner whatsoever. PW1 categorically deposed that he did not know the accused persons. He further stated that he had merely seen a group of persons quarrelling on the street and that he was not aware of any other facts relating to the case. Though he admitted his signature in Ex.P.1 complaint, he did not speak about the contents thereof nor did he attribute any overt act to any of the accused.
14. Since PW1 resiled from his earlier statement, he was treated as hostile and was cross-examined by the prosecution. However, nothing useful could be elicited during such cross-examination. All the suggestions put to him regarding the alleged assault on Abdul, the alleged attack on himself, and the alleged criminal intimidation were denied by him. It is a settled proposition of law that the suggestions put by the Public Prosecutor during cross-examination do not constitute substantive evidence. Therefore, the contents of the complaint cannot be treated as proved merely because the witness admitted his signature therein.

15. Likewise, PW2, who is projected as the injured witness, also completely disowned the prosecution case. PW2 categorically stated that he did not know the accused persons and further deposed that he did not know who had assaulted him. He merely stated that a group of persons were quarrelling and that he was unaware of the facts of the case. Significantly, PW2 even denied having been examined by the police. PW2 was also declared hostile and cross-examined by the prosecution. However, he denied all the suggestions put to him regarding the occurrence, the assault allegedly committed by the accused, and the treatment received by him. Thus, the evidence of PW2 does not support the prosecution case in any respect.
16. In the absence of supporting evidence from PW1 and PW2, the prosecution relies solely upon the evidence of PW3, the successor Sub-Inspector of Police. PW3 admittedly was not the Investigating Officer who conducted the investigation. His evidence is only regarding the official acts allegedly performed by the original Investigating Officer Saravanan. It is well settled that the evidence of the Investigating Officer is only corroborative in nature and cannot, by itself, establish the occurrence when the material witnesses have not supported the prosecution case. The First Information Report, Observation Mahazaar, Rough Sketch, confession statement, recovery mahazaar and wound certificate can only corroborate substantive evidence. They cannot substitute substantive evidence. Though the prosecution marked Ex.P.2 to Ex.P.7 and M.O.1 through PW3, the makers of the crucial documents and

the independent witnesses connected with the occurrence have not supported the prosecution. The alleged eyewitnesses Ajay Prasanna, Palani Murugan, Ganesh, Sukumar, Naveen Kumar, Surya, Vignesh and the Doctors concerned were not examined. Consequently, the documents marked through PW3 remain uncorroborated.

17. The alleged recovery of M.O.1 wooden log pursuant to the confession statement of A1 also does not advance the prosecution case. Recovery alone cannot establish guilt in the absence of credible evidence connecting the accused with the occurrence. The prosecution has therefore failed to establish the occurrence itself through reliable and convincing evidence. The evidence of PW3, being purely official in nature, cannot cure the fatal defects arising from the complete hostility of PW1 and PW2.
18. In criminal jurisprudence, the burden always lies upon the prosecution to prove its case beyond reasonable doubt. Suspicion, however strong, cannot take the place of proof. When the material witnesses themselves have not supported the prosecution version, the benefit of doubt must necessarily go to the accused.

## **OFFENCE-WISE ANALYSIS:-**

### **Charge U/s. 448 IPC:-**

19. To establish an offence U/s. 448 IPC, the prosecution must prove that the accused committed criminal trespass by entering into or remaining upon property in possession of another with intent to commit an offence or to intimidate, insult or annoy the person in possession. In the present case, neither PW1 nor PW2 has spoken about any unlawful entry by the accused into the construction site. There is absolutely no substantive evidence proving criminal trespass. Hence, the charge U/s. 448 IPC is not proved.

### **Charge U/s. 324 IPC:-**

20. To attract Section 324 IPC, the prosecution must prove that hurt was voluntarily caused by means of a dangerous weapon or instrument. Though the prosecution alleges that PW2 sustained injuries due to assault by the accused, PW2 himself has not identified the accused nor spoken about any assault by them. The medical evidence alone cannot establish the identity of the assailants. Therefore, the essential ingredients of Section 324 IPC remain unproved.

**Charge U/s. 506(ii) IPC:-**

21. To establish criminal intimidation U/s. 506(ii) IPC, the prosecution must prove that the accused threatened the victim with death or grievous consequences intending to cause alarm. Neither PW1 nor PW2 has spoken about any threat issued by the accused. Consequently, there is no evidence whatsoever to establish criminal intimidation. Hence, the charge U/s. 506(ii) IPC also fails.
22. Upon an overall appreciation of the oral and documentary evidence available on record, this Court finds that the prosecution has failed to prove the alleged criminal trespass, assault and criminal intimidation against the accused A1 to A3 beyond reasonable doubt. The evidence of PW1 and PW2, who are the material witnesses, does not support the prosecution case. The remaining evidence is insufficient to sustain a conviction. Accordingly, this Court holds that the prosecution has failed to establish the guilt of the accused A1 to A3 for the offences punishable U/s. 448, 324 & 506(ii) IPC. Accordingly, the Point for Determination is answered in the Negative.

**RESULT:-**

In the result, this Court finds that the prosecution has failed to prove the guilt of the accused A1 to A3 beyond all reasonable doubt for the offences punishable U/s. 448, 324 & 506(ii) IPC. Accordingly, the accused A1 to A3 are acquitted U/s. 271(1) BNSS.

The material objects, namely M.O.1 (Wooden log – 1 No) alleged to have been used in the commission of the offence were received by this Court vide PI.No. 180/2022, dated: 14.07.2022. The case properties ie., M.O.1 is ordered to be destroyed after the expiry of the appeal period. The bail bonds, if any, executed by the accused A1 to A3 shall stand cancelled and the sureties, if any, shall stand discharged.

Dictated to the Steno-Typist, transcribed directly on the computer, verified and pronounced by me in open Court on this the 04<sup>th</sup> day of June, 2026.

**Judicial Magistrate,  
Thiruvottiyur.**

**Prosecution Side Witness:-**

PW1    Balraj  
PW2    Abdul  
PW3    N. Parthiban, Investigation Officer

**Prosecution Side documents:-**

Ex.P1    Complaint  
Ex.P2    First Information Report  
Ex.P3    Observation Mahazaar  
Ex.P4    Rough Sketch  
Ex.P5    Admissible portion in the confession statement of the accused  
Ex.P6    Form – 91  
Ex.P7    Wound Certificate

**Material Objects :M.O.1 – Wooden Log – 1 No**

**Defence Side Witness and Documents:-Nil**

**Judicial Magistrate,  
Thiruvottiur.**

**Particulars under rule 106 of Criminal Rules of Practice 2019**

| <b>S. No</b> | <b>Description of the accused</b>        | <b>Date of</b>                                                                                                                                                                  |
|--------------|------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1            | Name of the police station and the Cr.No | M.6 Manali Police Station, (L&O) Chennai – 600 068. (Cr.No. 38/2022)                                                                                                            |
| 2            | Name                                     | A1. Dharani Babu , aged 43/2026<br>A2. Selva Kumar @ Selva, aged 32/2026<br>A3. Kumar, aged 52/2026                                                                             |
| 3            | Father / Husband Name                    | A1. Sampath, A2. Mani & A3. Perumal                                                                                                                                             |
| 4            | Occupation                               | --                                                                                                                                                                              |
| 5            | Address:                                 | A1. No. 48E, Balaraman Street, Manali, Chennai – 600 068,<br>A2. No. 48E, Balaraman Street, Manali, Chennai – 600 068,<br>A3. No. 16, New MGR Nagar, Manali, Chennai – 600 068. |
| 6            | Age                                      | A1.41/2024, A2. 30/2024 & A3. 50/2024                                                                                                                                           |
| 7            | Occurrence                               | 05.02.2022                                                                                                                                                                      |
| 8            | Complaint                                | 06.02.2022                                                                                                                                                                      |
| 9            | Apprehension                             | A1 to A3 (06.02.2022)                                                                                                                                                           |
| 10           | Order on Bail                            | A1 to A3 (10.02.2022)                                                                                                                                                           |
| 11           | Commitment                               | Not applicable                                                                                                                                                                  |
| 12           | Commitment of Trial                      | 17.06.2025                                                                                                                                                                      |

|    |                                        |                                                                                                                                    |
|----|----------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|
| 13 | Close of Trial                         | 04.06.2026                                                                                                                         |
| 14 | Sentence or Order                      | The accused A1 to A3 are found not guilty for the offences alleged U/s. 448, 324 & 506(ii) IPC and are acquitted U/s. 271(1) BNSS. |
| 15 | Service of copy of judgment an accused | 04.06.2026                                                                                                                         |
| 16 | Explanation of Delay                   | No Delay                                                                                                                           |

**Judicial Magistrate,  
Thiruvottiur.**