

TNTS080000642024



**IN THE COURT OF ADDITIONAL DISTRICT MUNSIF / JUDICIAL
MAGISTRATE, SANKARANKOVIL**

Present: Selvi. Pavithra G, LL.M.,

Additional District Munsif / Judicial Magistrate,

Sankarankovil

Dated Saturday, the 04th day of July 2026

Calendar Case No. 24/2024

CNR No.TNTS08 – 000064 - 2024

The State represented by

The Sub-Inspector of Police,

Chinnakovilankulam Police Station (Cr.No.113/2012)

... Complainant

//Vs//

1. John @ John pandi (aged 23/2012)

S/o. Backiyam

Vellakavundanpatti

2. Anthony, (aged 23/2012)

S/o. Selvam,

Vendhakovil street,

Vellakavundanpatti

... A1 and A2

1.	Case Number	CC No.24/2024	
2.	Name of the Police Station and Crime Number	Chinnakovilankulam Police station Crime No.113/2012	
3.	Name of the Accused	A1 – John @ John pandian (died) A2 - Anthony	
4.	Date of Occurrence	06.04.2012	
5.	Date of Complaint	06.04.2012	
6.	Date of Arrest	A1 – 06.04.2012	
7.	Period of remand	A1 – 06.04.2012 to 30.05.2012	
8.	Date of release on bail	A1 – 30.05.2012 (Condition bail) A2 – 08.06.2012 (Anticipatory bail)	
9.	Date of filing final report	11.07.2014	
10.	Date of Commencement of trial	28.12.2016	
11.	Date of Chief examination	PW1	13.04.2023
		PW2	13.04.2023
		PW3	02.04.2026

		PW4	09.04.2026
		PW5	11.05.2026
		PW6	11.05.2026
		PW7	13.05.2026
		PW8	15.05.2026
12.	Date of Cross examination	PW1	13.04.2023
		PW2	13.04.2023
		PW3	02.04.2026
		PW4	09.04.2026
		PW5	11.05.2026
		PW6	11.05.2026
		PW7	13.05.2026
		PW8	15.05.2026
13.	Date of Conclusion of trial	25.03.2026	
14.	Plea of the accused	Not guilty	
15.	Finding of the Court	1. The accused A1 – John @ John pandian had died during pendency of the trial. Hence, charges framed u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act stand abated as against him.	

		2. The A2 is found not guilty for the offence u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act is acquitted u/s. 248(1) of Cr.P.C.
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This case came up for a final hearing on 19.04.2026 in the presence of Thiru.Mahilvannan, Assistant Public Prosecutor Gr.I representing the State, and Advocate Thiru.M.Ayyadurai, representing the Accused A2. A1 died. After hearing both side arguments and perusing the documents and having stood over for consideration till this day, this Court pronounced the following:

JUDGMENT

1. The Sub-Inspector of Police, Chinnakovilankulam police station had filed a final report alleging that on 06.04.2012, LW1 – Esakki Arasan and LW2 – Mani were working as conductor and driver in the government bus bearing registration no. TN 72 N 1170 which was travelling in route no. 124. On the said day at 8.20 p.m., the said bus started travelling towards Tirunelveli. In the said bus, LW3 – Arthi and LW4 – Manimegalai were sitting in the seat which was in front of the front entrance of the bus and both accused were travelling in the stairs of front entrance of the bus. On the said day at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of LW3 and LW4. For the same when LW3 and LW4 were scolding the accused, LW2 stopped the bus. When LW1 asked the accused to not stand in the stairs and come into the bus, both the accused uttered filthy words “தேவிடியா மவனே புண்டா மவனே உனக்கு என்னல” towards LW1. Then the accused pulled LW1’s hands. A1 strangled LW1’s neck. A2 repeatedly punched LW1’s back. Both the accused

caused simple injuries to LW1 and prevented him from doing his public duty. Then, the accused uttered the threatening words “இனி இந்த ரூட்டில் வந்தால் வெட்டிக் கொன்று விடுவோம்” towards LW1. Also, the accused uttered the threatening words “இனி இந்த பஸ்ஸில் வாங்கல் கிழித்து விடுகிறோம்” towards LW3, LW4 and caused insult to them. Hence, the accused were charged for the offences u/s. 294(b) (3 counts), 323, 353, 506(1) (3 counts) of Indian Penal Code, 1860 (Hereinafter IPC) and S. 4 (2 counts) of Tamil Nadu Prohibition of Harassment of Women Act, 1998 (Hereinafter TNPHW Act).

2. Cognizance:

On perusal of the charge sheet, this Court was satisfied that a prima facie case was made out against the accused. Hence, this Court took cognizance of the offences u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act as against A1 and A2. Summons were issued to the accused and copies of the records were furnished to them, free of cost as per S. 207 Cr.P.C.

3. Framing of Charges:

On perusal of the records, this Court was satisfied that there is ground for proceeding against the accused A1 and A2. Hence, this Court framed charges for the offences u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act as against A1 and A2. Charges were read over and explained to the accused. Having understood the charges, the accused pleaded not guilty and claimed to be tried. Hence, this Court proceeded with trial of the case.

4. Prosecution Witnesses:

In order to prove its case, the Prosecution examined about 8 witnesses as PW1 to PW8. Ex.P.1 to Ex.P.6 were marked on behalf of the prosecution side. No material objects were marked. The Learned Assistant Public Prosecutor dispensed with the examination of the rest of the witnesses. Hence, the prosecution side evidence was closed.

5. Brief of the Prosecution side evidence:

i) PW1 – Esakki Arasan deposed in his chief examination that he knew both the accused and that on 06.04.2012 at 8.20 p.m., Mani drove the bus from Puliyangudi bus stop. PW1 then deposed that while travelling towards Tirunelveli through Mulli kulam, when the bus was travelling near Vellaigoundanpatti bus stop, 2 female passengers called PW1; that the said passengers then stated to PW1 that both the accused had pinched their hip and that both the accused were travelling in the front stairs of bus. PW1 further deposed that when he asked both the accused to come inside the vehicle, the accused A1 pulled his hand and punched his back. PW1 then deposed that the accused scolded him using obscene words “தேவிடியா மகனே” towards PW1 and threatened him by uttering the words “உன்னை கொன்று விடுவேன்”. PW1 further deposed that due to the act of accused, he sustained bleeding injury and mental anxiety. PW1 then deposed that he went to Puliyangudi police station for giving complaint; that the police therein had stated that the incident did not take place within their jurisdiction and asked him to go to Chinnakovilankulam police station and that PW1 went to Chinnakovilankulam police station and gave complaint against the accused. PW1 then admitted that signature in complaint was his signature. Complaint was marked

as Ex.P.1. PW1 further deposed that police sent him to Sankarankovil government hospital; that he got treated there as out patient for 1 week and that police investigated him.

ii) PW2 – Mani deposed in his chief examination that he was working as driver in government bus; that he knew PW1; that PW1 worked with him and that he knew both the accused. He then deposed that on 06.04.2012 at 8.20 p.m., PW2 was driving the Puliyangudi – Tirunelveli bus and that PW1 was conductor of the said bus. PW2 further deposed that when the bus was travelling through Vellagoundanpatti and was reaching before Vellagoundanpatti bus stop, the accused were standing in the front entrance of the bus and were talking to 2 female passengers and that when the female passengers shouted, PW2 stated to PW1 to ask the accused to come inside the bus. PW2 then deposed that when the conductor asked the accused to come inside the bus, both the accused grabbed the collar of conductor and pushed him down; that then the accused hit the conductor and that when PW2 got down from the bus, he saw that the conductor had sustained bleeding injuries in his neck which were caused due to the nails of accused. PW2 further deposed that both accused uttered obscene words towards PW1 and threatened PW1 by uttering the words “இந்த ரூட்டில் வந்தால் உன்னை வெட்டிவிடுவேன்”. PW2 then deposed that both the accused had uttered obscene words towards the two female passengers and that after uttering filthy words towards the conductor, both the accused had run away. PW2 further deposed that since the accused had prevented them from doing their public duty, they stated about the incident to their management; that they immediately went to give complaint in Puliyangudi police station; that when they went to the station, police therein stated that the incident did not happen in their jurisdiction and asked them

to give complaint in Chinnakovilankulam police station and that they then went to Chinnakovilankulam police station wherein PW1 gave complaint. PW2 also deposed that police investigated him.

iii) PW3 – Pandi deposed in his chief examination that second signature in observation magazhar was his signature; that he put that signature as asked by the police; that he did not know the contents written therein; that he did not know anything about the case and that police investigated him. Second signature in observation magazhar was marked as Ex.P.2.

iv) PW4 – Dr. Arul Selvi deposed in her chief examination that when she was working as assistant doctor in Sankarankovil government hospital, on 07.04.2012 at 12.05 a.m., Esakki Arasan came to get treated along with police memo. She then deposed that he had stated to her that on 06.04.2012 at 8.40 a.m., one known male person and one unknown male person hit him using their hands, in bus at Vellagoundanpatti. PW4 further deposed that during examination, following injuries were found on Esakki Arasan:

- 1) Nail scratches of the size 1 x 1 x ½ cm found at both sides of PW1's neck.

PW4 then deposed that he was treated as out-patient. PW4 further deposed that she certified that the injury sustained by PW1 is simple in nature. Wound certificate of PW1 was marked as Ex.P.3. PW4 also deposed that police investigated her.

v) PW5 – Arthi deposed in her chief examination that she did not know A2 and that since the incident took place about 10 years ago, she did not remember the

accused's face. PW5 then deposed that about 12 years ago, at 8.30 p.m., she and her sister Manimegalai were travelling in Tirunelveli government bus from Puliyangudi to Ariyanayagipuram; that she was sitting in the seat which is situated to the front of bus's front entrance; that since some noise was heard from the stairs behind her, the conductor asked people standing in the stairs to come inside the bus; that due to the same, an oral argument ensued between the conductor and the persons standing in the stairs uttered the filthy words “தேவீடியா பயலே” towards the conductor. PW2 further deposed that the bus was stopped; that the persons who were standing in the stairs and the conductor got down, fought with each other and rolled around clutching each other. PW2 then deposed that the persons who were fighting had then went away from there; that the conductor alone was standing there and that the passengers in the bus were transferred to another bus. PW5 also deposed that police did not investigate her.

vi) PW6 – Manimegalai deposed in her chief examination that she did not know the accused A2. She then deposed that about 13 years ago, at 8.30 p.m., she and her sister were travelling in Government green colour bus from Puliyangudi to Ariyanayagipuram; that she and her sister were sitting in the seat which was situated to the front of stairs in the front entrance of the bus; that her sister was sitting near the window; that PW6 was sitting near her; that when PW6's sister opened the window for the purpose of letting air in, the person who was in the stairs behind her disputed with the sister stating that he needed air; that at the time, the driver asked not to cause trouble; that the conductor asked the persons who were standing in stairs to come inside the bus; that dispute ensued between the persons and the conductor and that the persons in the stairs uttered filthy words “தேவீடியா பயலே” towards the conductor. PW6 then deposed that the bus was

stopped, that then, the persons in the stairs and the conductor got down and fought with each other; that her sister alone went to the police station and that PW6 went to home. PW6 also deposed that police did not investigate her.

vii) PW7 – Rama Krishnan deposed in his chief examination that when he was working as head constable in Chinnakovilankulam police station, on 06.04.2012 at 23.30 hrs., he obtained the complaint given by Esakki Arasan and based on the said complaint, he registered FIR with crime no. 113/2012 u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act. PW7 then deposed that he gave medical memo and sent PW1 to Sankarankovil government hospital; that he sent original of the complaint and FIR to Sankarankovil JM Court and sent copies of the same to concerned authorities and submitted one of the copies for the perusal of investigation officer SI Mandhira Moorthi. First Information Report was marked as Ex.P.4. PW7 also deposed that SI investigated him.

viii) PW8 – Mandhira Moorthi deposed in his chief examination that when he was working as SSI in Chinnakovilankulam police station, he took up the FIR with crime no. 113/2012 for his investigation; that on 07.04.2012 at 7.00 a.m., he went to the place of occurrence and investigated it in the presence of witnesses, namely, Pandi and Michael and prepared observation magazhar and rough sketch. Observation magazhar was marked as Ex.P.5. Rough sketch was marked as Ex.P.6. PW8 then deposed that he investigated and recorded the statements of prosecution witnesses, namely, Esakki arasan, Mani, Arthi, Manimegalai, Michael, Pandi and head constable Rama Krishnan who registered FIR. PW8 then arrested A1 on 14.05.2012 at 17.00 hrs. at Mullikulam bus stop and sent him to JM Court. Since the 2nd accused had obtained anticipatory bail, he was not arrested. PW8 further

deposed that he investigated and recorded the statement of Dr. Arul Selvi who treated the injured victim. He completed the initial investigation and submitted the case file in the station. PW8 then deposed that the case file was taken up for further investigation by SI Selvi; that he knows the signature of SI Selvi and that he was deposing in this case on her behalf also. PW8 further deposed that SI Selvi re-investigated the witnesses investigated by him; that since the witnesses had given statement similar to those given by them to PW8, she did not re-record their statements; that after completion of investigation, SI filed charge sheet on 12.06.2012.

6. Proceedings u/s. 313 of Cr.P.C.:

Since A1 – John Pandi had died on 14.01.2022 (i.e.) during pendency of trial, only A2 was questioned u/s. 313 of Cr.P.C. about incriminating evidences against him and he denied it. No Oral or documentary evidence was adduced by the defence side. Hence, the defence side evidence was closed.

7. Points for determination:

On hearing both side arguments and perusing the documents and records, the questions that arises for consideration are:

- 1) Whether the Prosecution has proved the allegations u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act as against the accused beyond all reasonable doubts?

8. Appreciation of Evidence and Observations of the Court:

8.1. Learned Counsel for accused submitted written arguments. Both side arguments were heard and records were perused. Before looking into the point for

consideration, it is pertinent to note that the burden to prove allegations against the accused beyond all reasonable doubts lies on the prosecution as u/s. 101 of Indian Evidence Act, 1872.

8.2. The Case of the prosecution is that on 06.04.2012, PW1 and PW2 were working as conductor and driver in the government bus bearing registration no. TN 72 N 1170 which was travelling in route no. 124; that on the said day at 8.20 p.m., the said bus started travelling towards Tirunelveli; that in the said bus, PW5 and PW6 were sitting in the seat which was in front of the front entrance of the bus and both accused were travelling in the stairs of front entrance of the bus; that on the said day at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6; that for the same when PW5 and PW6 were scolding the accused, PW2 stopped the bus; that when PW1 asked the accused to not stand in the stairs and come into the bus, both the accused uttered filthy words “தேவிடியா மவனே புண்டா மவனே உனக்கு என்னல” towards PW1; that the accused pulled PW1’s hands; that A1 strangled PW1’s neck; that A2 repeatedly punched PW1’s back; that both the accused caused simple injuries to PW1 and prevented him from doing his public duty; that the accused uttered the threatening words “இனி இந்த ரூட்டில் வந்தால் வெட்டிக் கொன்று விடுவோம்” towards PW1; that the accused uttered the threatening words “இனி இந்த பஸ்ஸில் வாங்கல் கிழித்து விடுகிறோம்” towards PW5 and PW6 and caused insult to them. Hence, in this case, charges u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act of IPC were framed against A1 and A2. It is now the burden of proof of prosecution to prove that the accused had committed the aforesaid offences charged against them.

8.3. On the police side, it was reported that A1 – John @ John Pandi had died on 14.01.2022. In this regard, death certificate of A1 has been produced. Hence, charges framed u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act stand abated as against A1.

8.4. In final report, date and time of occurrence of the offences have been mentioned as 06.04.2012 and 8.35 p.m. respectively. In Ex.P.1. and Ex.P.4., date and time of occurrence of the offences have been mentioned as 06.04.2012 and 20.35 respectively. In Ex.P.1. and Ex.P.4., it has been mentioned that FIR was registered on 06.04.2012 at 23.30 hrs. On analysis of the aforementioned facts, this Court is of the opinion that there has been no inordinate delay in filing of complaint and in registration of FIR.

8.5. On perusal of records, it is clear that on the prosecution side, PW1 to PW8 witnesses had been examined and Ex.P.1 to Ex.P.6 were marked. Out of the said prosecution witnesses, PW1 is the defacto complainant. PW2 is eye witness to the incident. PW5 and PW6 are victims and eye witnesses to the incident. PW3 is observation magazhar witness. PW4 is doctor witness. PW7 is the police officer who registered FIR. PW8 is the investigation officer witness.

8.6. Before looking into the charges framed against A2, this Court finds it essential to address a material discrepancy in the prosecution case. As per the final report, Ex.P.1. and Ex.P.4 on 06.04.2012, at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6 which lead to the confrontation between PW1 and the accused and commission of the subsequent offences u/s. 294(b), 323, 353, 506(1) of IPC by both accused, as against PW1. On perusal of testimonies of PW1 and PW2, this

Court finds that both the said witnesses had deposed that the accused behaved inappropriately with two female passengers in the bus; that when PW1 asked about the same to the accused, they uttered obscene words towards PW1, attacked PW1 and threatened to kill PW1. However, on perusal of testimonies of PW5 and PW6, this Court finds that there is no mention of any act of inappropriate harassment which is alleged to have been done by the accused towards them. PW5 has deposed in her chief examination that since the incident took place about 10 years ago, she did not remember the accused's face; that about 12 years ago, at 8.30 p.m., she and her sister Manimegalai were travelling in Tirunelveli government bus from Puliyangudi to Ariyanayagipuram; that she was sitting in the seat which is situated to the front of bus's front entrance; that since some noise was heard from the stairs behind her, the conductor asked people standing in the stairs to come inside the bus and that due to the same, an oral argument ensued between the conductor. Further, PW6 has deposed in her chief examination that she did not know the accused A2; that about 13 years ago, at 8.30 p.m., she and her sister were travelling in Government green colour bus from Puliyangudi to Ariyanayagipuram; that she and her sister were sitting in the seat which was situated to the front of stairs in the front entrance of the bus; that her sister was sitting near the window; that PW6 was sitting near her; that when PW6's sister opened the window for the purpose of letting air in, the person who was in the stairs behind her disputed with the sister stating that he needed air; that at the time, the driver asked not to cause trouble; that the conductor asked the persons who were standing in stairs to come inside the bus and that dispute ensued between the persons and the conductor. After consideration of testimonies of PW5 and PW6, this Court is of the opinion that both PW5 and PW6 (who are alleged to be the female passengers who were

inappropriately touched by the accused) have not identified that it was the accused who was involved in the alleged incident and have not deposed anything regarding the accused inappropriately touching any of them. Considering the aforementioned submissions, this Court is of view that there is material discrepancy with regards to the cause of action or motive for the commission of offences by the accused. This Court is also of the view that the such discrepancy shakes the very core of prosecution case.

8.7. This Court will now look into the charges framed against the accused A2 individually as follows:

A) Charge u/s. 294(b) of IPC:

8.8. The essential ingredients to establish the charge u/s. 294(b) of IPC are: i) uttering obscene words, ii) in or near any public place, iii) such utterance should have caused annoyance to the public.

8.9. In final report, it has been mentioned that on 06.04.2012 at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused uttered filthy words “தேவிடியா மவனே புண்டா மவனே உனக்கு என்னல” towards PW1. In Ex.P.1., it has been mentioned that on 06.04.2012 at 8.35 p.m., when the bus was travelling near Vellagoundanpatti bus stop, A1 and another person who was 23 years old uttered the obscene words “தேவிடியா மவனே, புண்டா மவனே உனக்கு என்னல” towards PW1. On perusal of complaint, this Court finds that while A1’s name has been specifically mentioned, there is no mention of the name of A2. In the complaint, it has merely been mentioned that along with A1, another person who was 23 years old had uttered the obscene words. In this regard, PW1 has deposed in his chief examination he knew both the accused; that on 06.04.2012

at 8.20 p.m., Mani drove the bus from Puliyangudi bus stop; that when the bus was travelling near Vellaigoundanpatti bus stop, 2 female passengers called PW1; that the said passengers then stated to PW1 that both the accused had pinched their hip and that both the accused were travelling in the front stairs of bus; that when he asked both the accused to come inside the vehicle, the accused A1 pulled his hand and punched his back and that the accused scolded him using obscene words “தேவியா மகனே” towards PW1. On comparative analysis of PW1’s testimony and Ex.P.1., this Court is of the opinion that there is discrepancy between both the versions, with regards to specific obscene words alleged to have been uttered by the accused towards PW1. In this regard, PW2 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., PW2 was driving the Puliyangudi – Tirunelveli bus and that PW1 was conductor of the said bus; that when the bus was travelling through Vellagoundanpatti and was reaching before Vellagoundanpatti bus stop, the accused were standing in the front entrance of the bus and were talking to 2 female passengers and that when the female passengers shouted, PW2 stated to PW1 to ask the accused to come inside the bus; that when the conductor asked the accused to come inside the bus, both the accused uttered obscene words towards PW1. From the aforementioned testimony of PW2, it is clear that PW2 has not deposed anything regarding the specific obscene words alleged to have been uttered by the accused towards PW1.

8.10. In this context, PW5 who is one of the eye witnesses to the incident, has deposed that she did not know A2 and that since the incident took place about 10 years ago, she did not remember the accused’s face; that about 12 years ago, at 8.30 p.m., she and her sister Manimegalai were travelling in Tirunelveli government bus from Puliyangudi to Ariyanayagipuram; that she was sitting in the

seat which is situated to the front of bus's front entrance; that since some noise was heard from the stairs behind her, the conductor asked people standing in the stairs to come inside the bus; that due to the same, an oral argument ensued between the conductor and the persons standing in the stairs uttered the filthy words “தேவீடியா பயலே” towards the conductor. In this regard, PW6 has deposed in her chief examination that she did not know the accused A2; that about 13 years ago, at 8.30 p.m., she and her sister were travelling in Government green colour bus from Puliyangudi to Ariyanayagipuram; that she and her sister were sitting in the seat which was situated to the front of stairs in the front entrance of the bus; that her sister was sitting near the window; that PW6 was sitting near her; that when PW6's sister opened the window for the purpose of letting air in, the person who was in the stairs behind her disputed with the sister stating that he needed air; that at the time, the driver asked not to cause trouble; that the conductor asked the persons who were standing in stairs to come inside the bus; that dispute ensued between the persons and the conductor and that the persons in the stairs uttered filthy words “தேவீடியா பயலே” towards the conductor. After consideration of testimonies of PW5 and PW6, this Court is of the opinion that both the said witnesses have not identified that it was the accused A2 who was involved in the alleged incident.

8.11. Further, as already discussed above, there is material discrepancy with regards to cause of action or motive for the commission of offences by the accused. Also, on comparative analysis of testimonies of PW1, PW2, PW5 and PW6, this Court is of the opinion that their testimonies are not in consonance with each other, with respect to the manner of occurrence of the incident. Besides the said witnesses, other prosecution witnesses namely, PW3, 4, 7 and 8 have not deposed

anything regarding the obscene words alleged to have been uttered by the accused towards PW1. In light of the above discussion, this Court is of the opinion that the prosecution has failed to prove the charge u/s. 294(b) of IPC as against A2, beyond all reasonable doubts.

B) Charge u/s. 506(1) of IPC:

8.12. The essential ingredients to establish charge u/s. 506(1) of IPC are: 1) threat to cause injury to person, property or to the person or reputation of any anyone in whom that person is interested, 2) Such threat should have been made with an intention to cause alarm or to make him do any act which he is not legally bound to do or to omit to do any act which he is legally entitled to do as the means of avoiding the execution of such threat.

8.13. In final report, Ex.P.1. and Ex.P.4., it has been mentioned that on 06.04.2012 at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6; that for the same when PW5 and PW6 were scolding the accused, PW2 stopped the bus; that when PW1 asked the accused to not stand in the stairs and come into the bus, both the accused uttered the threatening words “இனி இந்த ரூட்டில் வந்தால் வெட்டிக் கொன்று விடுவோம்” towards PW1. In this regard, PW1 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., Mani drove the bus from Puliyangudi bus stop; that while travelling towards Tirunelveli through Mulli kulam, when the bus was travelling near Vellaigoundanpatti bus stop, 2 female passengers called PW1; that the said passengers then stated to PW1 that both the accused had pinched their hip and that both the accused were travelling in the front stairs of bus; that when he asked both the accused to come inside the vehicle, the accused

A1 pulled his hand and punched his back and that the accused threatened him by uttering the words “உன்னை கொன்று விடுவேன்”. On comparative analysis of testimony of PW1 and Ex.P.1., this Court is of the opinion that there is discrepancy between both versions with respect to the specific threatening words alleged to have been uttered by the accused. In this regard, PW2 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., PW2 was driving the Puliyangudi – Tirunelveli bus and that PW1 was conductor of the said bus; that when the bus was travelling through Vellagoundanpatti and was reaching before Vellagoundanpatti bus stop, the accused were standing in the front entrance of the bus and were talking to 2 female passengers and that when the female passengers shouted, PW2 stated to PW1 to ask the accused to come inside the bus; that when the conductor asked the accused to come inside the bus, both the accused grabbed the collar of conductor and pushed him down; that then the accused hit the conductor and that when PW2 got down from the bus, he saw that the conductor had sustained bleeding injuries in his neck which were caused due to the nails of accused; that both accused uttered obscene words towards PW1 and threatened PW1 by uttering the words “இந்த ரூட்டில் வந்தால் உன்னை வெட்டிவிடுவேன்”. On comparative analysis of the testimonies of PW1 and PW2, this Court finds that they are not in consonance with each other with respect to the specific threatening words alleged to have been uttered by the accused towards PW1.

8.14. On perusal of testimonies of PW5 and PW6, this Court is of the opinion that both the said witnesses have not deposed anything regarding the threatening words alleged to have been uttered by the accused towards PW1. Further, as already discussed above, both the said witnesses have not identified that it was the accused A2 who was involved in the alleged incident. Also, as stated

above, there is material discrepancy with regards to cause of action or motive for the commission of offences by the accused and on comparative analysis of testimonies of PW1, PW2, PW5 and PW6, this Court is of the opinion that their testimonies are not in consonance with each other, with respect to the manner of occurrence of the incident. Besides the said witnesses, other prosecution witnesses namely, PW3, 4, 7 and 8 have not deposed anything regarding the threatening words alleged to have been uttered by the accused towards PW1. In light of the above discussion, this Court is of the opinion that the prosecution has failed to prove the charge u/s. 506(1) of IPC as against A2, beyond all reasonable doubts.

C) Charge u/s. 323 of IPC:

8.15. The essential ingredients to establish charge u/s. 323 of IPC are: 1) Voluntarily causing hurt and 2) Such hurt should not have been caused on grave and sudden provocation. As per the definition of 'hurt' u/s. 319 of IPC, hurt includes bodily pain, disease of infirmity caused to any person.

8.16. Perusal of PW4's testimony and Ex.P.3. shows that PW1 has sustained the following simple injury: 1) Nail scratches of the size 1 x 1 x ½ cm found at both sides of PW1's neck. It is now the burden of prosecution to prove that the said simple injury resulted due to the act of A2.

8.17. In final report, it has been mentioned that on 06.04.2012, at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6; that for the same when PW5 and PW6 were scolding the accused, PW2 stopped the bus; that when PW1 asked the accused to not stand in the stairs and come into the bus, the accused pulled PW1's hands; that A1 strangled PW1's neck; that A2 repeatedly punched PW1's back; that

both the accused caused simple injuries to PW1. In Ex.P.1., it has been mentioned that on 06.04.2012, at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6; that for the same when PW5 and PW6 were scolding the accused, PW2 stopped the bus; that when PW1 asked the accused to not stand in the stairs and come into the bus, A1 strangled PW1's neck and that the other person aged 23 years repeatedly punched PW1's back, which resulted in injury in PW1's neck and pain in his body.

8.18. In this regard, PW1 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., Mani drove the bus from Puliyangudi bus stop; that while travelling towards Tirunelveli through Mulli kulam, when the bus was travelling near Vellaigoundanpatti bus stop, 2 female passengers called PW1; that the said passengers then stated to PW1 that both the accused had pinched their hip; that both the accused were travelling in the front stairs of bus; that when he asked both the accused to come inside the vehicle, the accused A1 pulled his hand and punched his back. On perusal of testimony of PW1, this Court finds that he has not deposed anything regarding A2 attacking him and regarding the injury which is alleged to have been sustained by him due to the act of A2. In this regard, on 06.04.2012 at 8.20 p.m., PW2 was driving the Puliyangudi – Tirunelveli bus and that PW1 was conductor of the said bus; that when the bus was travelling through Vellagoundanpatti and was reaching before Vellagoundanpatti bus stop, the accused were standing in the front entrance of the bus and were talking to 2 female passengers and that when the female passengers shouted, PW2 stated to PW1 to ask the accused to come inside the bus; that when the conductor asked the accused to come inside the bus, both the accused grabbed the collar of conductor and

pushed him down; that then the accused hit the conductor and that when PW2 got down from the bus, he saw that the conductor had sustained bleeding injuries in his neck which were caused due to the nails of accused. On comparative analysis of testimonies of PW1 and PW2, this Court is of the opinion that their testimonies are not in consonance with each other with respect to the alleged act of A2 which caused injuries to PW1.

8.19. In this regard, PW5 has deposed in her chief examination that she did not know A2 and that since the incident took place about 10 years ago, she did not remember the accused's face; that about 12 years ago, at 8.30 p.m., she and her sister Manimegalai were travelling in Tirunelveli government bus from Puliyangudi to Ariyanayagipuram; that she was sitting in the seat which is situated to the front of bus's front entrance; that since some noise was heard from the stairs behind her, the conductor asked people standing in the stairs to come inside the bus; that due to the same, an oral argument ensued between the conductor and that the persons standing in the stairs and the conductor got down from the bus, fought with each other and rolled around clutching each other; that the persons who were fighting had then went away from there; that the conductor alone was standing there and that the passengers in the bus were transferred to another bus. In this regard, PW6 has deposed in her chief examination that she did not know the accused A2; that about 13 years ago, at 8.30 p.m., she and her sister were travelling in Government green colour bus from Puliyangudi to Ariyanayagipuram; that she and her sister were sitting in the seat which was situated to the front of stairs in the front entrance of the bus; that her sister was sitting near the window; that PW6 was sitting near her; that when PW6's sister opened the window for the purpose of letting air in, the person who was in the stairs behind her disputed with the sister

stating that he needed air; that at the time, the driver asked not to cause trouble; that the conductor asked the persons who were standing in stairs to come inside the bus; that dispute ensued between the persons and the conductor and that the persons in the stairs and the conductor got down from the bus and fought with each other. From the aforementioned testimonies of PW5 and PW6, it is clear that both the said witnesses have not identified that A2 as one of the persons standing the stairs of bus on the alleged date and time of occurrence of the offences.

8.20. Besides the said witnesses, the other remaining witnesses, namely, PW3, PW7 and PW8 have not deposed anything which establishes that the simple injury sustained by PW1 resulted due to the act of A2. Hence, this Court is of the opinion that the prosecution has failed to prove that the simple injury sustained by PW1 resulted due to act of A2 beyond all reasonable doubts and so, has failed to prove the charge u/s. 323 of IPC as against A2, beyond all reasonable doubts.

D) Charge u/s. 4 of TNPHW Act:

8.21. The essential ingredients to establish charge u/s. 4 of TNPHW Act are: 1) commission, participation or abetment of harassment of women, 2) such harassment of women in or within the precincts of any educational institution, temple or other place of worship, bus stop, road, railway station, cinema theatre, park, beach, place of festival, public service vehicle or vessel or any other place. The term 'harassment' has been defined in S. 2(a) of TNPHW Act as follows: "harassment" means any indecent, conduct or act by a man which causes or is likely to cause intimidation, fear, shame or embarrassment, including abusing or causing hurt or nuisance or assault or use of force.

8.22. In final report, Ex.P.1. and Ex.P.4., it has been mentioned that on 06.04.2012 at 8.35 p.m., when the bus was travelling near Vellagoundanpatti, both the accused inappropriately touched the hip of PW5 and PW6 and that the accused uttered the threatening words “இனி இந்த பஸ்ஸில் வாங்கல் கிழித்து விடுகிறோம்” towards PW5 and PW6 and caused insult to them. In this regard, PW1 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., Mani drove the bus from Puliyangudi bus stop; that while travelling towards Tirunelveli through Mulli kulam, when the bus was travelling near Vellaigoundanpatti bus stop, 2 female passengers called PW1; that the said passengers then stated to PW1 that both the accused had pinched their hip and that both the accused were travelling in the front stairs of bus. However, during his cross examination, PW1 has deposed that the driver had stopped the bus and was scolding; that PW1 went to the front; that he came to know that both the accused had inappropriately touched 2 female passengers after being informed about the same by driver (PW2) and that he did not directly witness both the accused inappropriately touching the passengers. From the aforementioned testimony of PW1, it is clear that he did not directly witness the accused touching PW5 and PW6. In this context, PW2 has deposed in his chief examination that on 06.04.2012 at 8.20 p.m., PW2 was driving the Puliyangudi – Tirunelveli bus and that PW1 was conductor of the said bus; that when the bus was travelling through Vellagoundanpatti and was reaching before Vellagoundanpatti bus stop, the accused were standing in the front entrance of the bus and were talking to 2 female passengers and that when the female passengers shouted. From the aforementioned testimony of PW2, it is clear that he has not deposed anything (in his chief examination) regarding both accused inappropriately touching the hip of PW5 and PW6.

8.23. In this regard, on perusal of testimonies of PW5 and PW6 (who are the alleged victims), this Court is of the view that they have not deposed anything which establishes that A2 inappropriately touched their hip and uttered insulting words towards them. Besides the said witnesses, other prosecution witnesses, namely, PW3, PW4, PW7 and PW8 have not deposed anything which establishes that A2 inappropriately touched PW5, PW6 and that they uttered insulting words towards them. From the above discussion, this Court is of the opinion that the prosecution has failed to prove the charge u/s. 4 of TNPHW Act as against A2, beyond all reasonable doubts.

E) Charge u/s. 353 of IPC:

8.24. The essential ingredients to establish charge u/s. 353 of IPC are: 1) Use of assault or criminal force to public servant when such public servant was in execution of his duty as such public servant, 2) Such use of assault or criminal force to public servant should have been accompanied with intent to prevent or deter that person from discharging his duty as public servant.

8.25. As per final report, Ex.P.1. and Ex.P.4., on 06.04.2012 at 8.35 p.m., the accused prevented PW1 (conductor of government bus) from doing his duty as public servant by uttering obscene words, by attacking him thereby causing simple injury to him and by threatening to kill him. However, as already discussed above, the prosecution has failed to prove that A2 had uttered obscene words towards PW1, that he attacked and caused simple injury to PW1 and that he threatened to kill him. Considering the same, this Court is of the opinion that the prosecution has failed to prove that used assault or criminal force with an intent to prevent or deter PW1 from discharging his duty as public servant. Hence, this Court concludes that

the prosecution has failed to prove the charge u/s. 353 of IPC as against A2, beyond all reasonable doubts.

9. Finding of the Court:

The prosecution has failed to prove the charges u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act as against A2, beyond all reasonable doubts.

10. Decision:

In the result,

The accused A1 – John @ John pandian had died during pendency of the trial. Hence, charges framed u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act stand abated as against him.

The A2 is found not guilty for the offence u/s. 294(b), 323, 353, 506(1) of IPC and S. 4 of TNPHW Act is acquitted u/s. 248(1) of Cr.P.C.

No property was produced before this Court.

If any, bail bonds executed by the accused A1 to A3, are ordered to be cancelled after the expiry of the appeal period.

This judgment was typed by me in my laptop, corrected and pronounced by me in the Open Court on 4th July, 2026.

Additional District Munsif / Judicial Magistrate

Sankarankovil.

Appendix – A

Prosecution side Witnesses:

S.No.	Rank of Witness	Name of Witness	Remarks
1.	PW1	Eskki Arasan	Defacto complainant
2.	PW2	Mani	Eye witness
3.	PW3	Pandi	Observation magazhar witness
4.	PW4	Dr.Arul Selvi	Doctor witness
5.	PW5	Arthi	Victim and Eye witness
6.	PW6	Manimekalai	Victim and Eye witness
7.	PW7	Rama Krishnan	Police officer who registered FIR
8.	PW8	Mandhira Moorthi	Investigation officer witness

Appendix – B

Prosecution side Exhibits:

S.No.	Exhibit	Description of Document
1.	Ex.P.1	Complaint
2.	Ex.P.2	PW3's second signature in observation magazhar

3.	Ex.P.3	Wound certificate of PW1
4.	Ex.P.4	First Information Report
5.	Ex.P.5	Observation magazhar
6.	Ex.P.6	Rough Sketch

Appendix – C

Material Objects – Nil

Appendix – D

Defence side Witness – Nil

Appendix – E

Defence side Exhibits – Nil

Additional District Munsif / Judicial Magistrate

Sankarankovil.