

TNTS080001392024



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

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

Additional District Munsif / Judicial Magistrate,

Sankarankovil

Dated Friday, the 3rd day of July 2026

Calendar Case No. 56/2024

CNR No.TNTS08 – 000139 - 2024

The State represented by

The Sub-Inspector of Police,

Sankarankovil Taluk police station (Cr.No.37/2015)

... Complainant

//Vs//

1.Samudhira Kani, (aged 46/2015)

S/o. Pooli,

Puliyampatti, Sankarankovil

2. Kaleeswari, (aged 34/2015)

W/o. Pandi,

Puliyampatti, Sankarankovil.

... A1 and A2

1.	Case Number	CC No.56/2024	
2.	Name of the Police Station and Crime Number	Sankarankovil Taluk Police station Crime No.37/2015	
3.	Name of the Accused	A1 – Samuthirakani A2 - Kalieshwari	
4.	Date of Occurrence	25.03.2014	
5.	Date of Complaint	27.02.2015	
6.	Date of Arrest	A1 – 28.02.2015 A2 – 29.11.2016	
7.	Period of remand	A1 – 28.02.2015 to 12.03.2015	
8.	Date of release on bail	A1 - 12.03.2015 (Condition bail) A2 – 29.11.2016 (Station bail)	
9.	Date of filing final report	24.03.2017	
10.	Date of Commencement of trial	28.07.2025	
11.	Date of Chief examination	PW1	12.09.2025
		PW2	26.09.2025

		PW3	26.09.2025
		PW4	20.11.2025
		PW5	27.11.2025
		PW6	13.03.2026
12.	Date of Cross examination	PW1	12.09.2025
		PW2	26.09.2025
		PW3	26.09.2025
		PW4	20.11.2025
		PW5	27.11.2025
		PW6	13.03.2026
13.	Date of Conclusion of trial	15.05.2026	
14.	Plea of the accused	Not guilty	
15.	Finding of the Court	The accused A1 is found not guilty of the offences u/s. 494 and 506(2) of IPC and is acquitted u/s. 248(1) of Cr.P.C. Accused A2 is found not guilty of the offences u/s. 494 of IPC and is acquitted u/s. 248(1) of Cr.P.C.	

This case came up for a final hearing on 18.06.2026 in the presence of Thiru.Mahilvannan Assistant Public Prosecutor Gr.I representing the State, and

Advocate Thiru.A.Ramkumar, representing the A1 and A2. 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, Sankarankovil Taluk Police Station had filed a final report alleging that 1st accused is the husband of LW1 – Sanmugathai. They have a 21 year old son named Manimaran and a 16 year old son named Rajesh. About 10 years ago, A2 had married Krishnan and they both did not have any children. In such circumstances, A1 and A2 had an affair with each other. On 25.03.2014 at 18.00 hrs., after knowing about the affair, LW1 asked A1 regarding the said affair, A1 stated that he and A2 will continue with the affair and threatened LW1 by stating that if she asked about the same, he would set fire on her, thereby causing of alarm of death in the mind of LW1. Further, A1 had committed bigamy by marrying A2 (who is an already married woman) without the consent of LW1. Hence, the accused A1 was charged for the offences u/s. 494 and 506(2) of Indian Penal Code (Hereinafter IPC) and A2 was charged for the offence u/s. 494 of IPC.

2. Cognizance:

On perusal of the charge sheet, this Court was satisfied that a prima facie case was made out against the accused A1 and A2. Hence, this Court took cognizance of the offences u/s. 494 and 506(2) of IPC as against the accused A1 and took cognizance of the offences u/s. 494 of IPC as against A2. Summons were issued to the accused. Copies of the records were furnished to the accused A1 and A2, free of cost.

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. 494 and 506(2) of IPC as against A1 and framed charges for the offences u/s. 494 of IPC as against A2. Having understood the charges, the accused A1 and A2 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 6 witnesses as PW1 to PW6. Ex.P.1 to Ex.P.5 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 – Shanmugathai deposed in her chief examination that she knew the accused; that about 26 years ago, she and A1 got married and that they have 2 sons. She then deposed that her husband did not go to work properly; that she was the one who had gone to work and looked after her children. PW1 further deposed that about 10 years ago, her husband A1 went for construction work; that at that time, A2 also went for construction work and that at the work place, A1 and A2 had an affair. She then deposed that since A1 often spoke to A2 through the phone, PW1 had scolded him; that due to the same, A1 scolded and beat PW1; that A1 kept the photo of A2 in his house; that on seeing the same, PW1 scolded A1; that for the

same, A1 hit PW1's cheek using his hands and that after getting angry for the same, PW1 went to her mother's house. PW1 further deposed that she stayed at her mother's house for about 5 months; that when A1 came to her mother's house for picking her up, A1 threw cycle at PW1 and hit PW1 using stick; that A1 threw bricks; that A1 punched PW1's chest; that PW1's mother informed about the same in Kariyapatti police station and brought police to the place of incident and that her husband had run away from there. PW1 then deposed that about 10 years ago, PW1's husband and A2 went to Coimbatore and they worked in a white pigs rearing pigsty. PW1 then deposed that she received information that A1 and A2 have a girl child. PW1 further deposed that about 2 days before the day on which A1 eloped with A2, they had joined their son in a college in Salem; that after 2 days, they could not pay the fees; that when they informed the college about the same, they asked if any FIR was filed against her husband in the regard and asked her to bring such proof and that due to the same, PW1 gave complaint against her husband and A2. PW1 then admitted that the signature in complaint was her signature. Complaint was marked as Ex.P.1. PW1 also deposed that police investigated her.

ii) PW2 – Manimaran deposed in his chief examination that PW1 is his mother; that he knew both the accused; that when he was studying in 12th standard, his father and A2 lived together; that when they came to know that A1 and A2 were living together, A1 had eloped with A2 to Coimbatore; that due to the aforementioned act of A1, PW2 could not continue his studies and that after his marriage, he could not look after his mother. PW2 then deposed that since A1 lived together with A2, both the accused had threatened PW1 by stating that they would kill her; that due to the same, PW1 got frightened and went to PW2's grand

mother's house in Virudhunagar and then returned to the village for the purpose of looking after PW2 and his brother. PW2 also deposed that police investigated him in this regard.

iii) PW3 – Rajesh deposed in his chief examination that he was currently residing in Virudhu Nagar; that PW1 is his mother; that A1 is his father and that he knew A2. PW3 then deposed that when he was studying in 9th standard, A1 and A2 had an affair; that his father abandoned them while stating that he was going to work in Kerala; that about 6 months later, they received information that A1 had eloped with A2; that their father did not give the certificates of PW2 and that for obtaining PW2's certificates, PW3's mother gave complaint in the police. PW3 also deposed that police investigated him.

iv) PW4 – Mariselvam deposed in his chief examination that second signature in observation magazhar was his signature; that he put the said signature as asked by the police and that he did not know the contents written therein. 2nd signature in observation magazhar was marked as Ex.P.2. PW4 also deposed that police did not investigate him.

v) PW5 – Kamala Devi deposed in her chief examination that she was currently working as inspector in Sankarankovil All Women Police station. She then deposed that on 27.02.2015, when she was working as SI in Sankarankovil Taluk police station, she obtained the complaint filed by Shanmugathai and based on the said complaint, she registered FIR with crime no. 37/2015 u/s. 494 and 506(2) of IPC. First Information Report was marked as Ex.P.3. PW5 further deposed that after taking the said FIR for her investigation, on 27.02.2015, at 10.00 a.m., she went to the place of occurrence and investigated the witnesses, namely,

Shanmugathai, Manimaran, Rajesh, Murugan, Krishnan, Madasamy and Aavudaiyappan and recorded their individual statements. PW5 further deposed that on 28.02.2015 at 10.00 a.m., she arrested A1 at Sankarankovil bus stop, brought him to the station at 10.30 a.m. and sent him to be remanded to judicial custody. PW5 then deposed that on 29.03.2015, she had gone on medical leave and had submitted records in the station.

vi) PW6 – Muthu Lakshmi deposed in her chief examination that she was currently working in Tenkasi district; that after the previous investigation officer Kamala Devi had got transferred, she took up the case file for investigation; that on the said day at 15.00 hrs., she went to the place of occurrence, investigated it and prepared observation magazhar and rough sketch in the presence of witnesses, namely, Mariselvam and Samuthiram. Observation magazhar was marked as Ex.P.4. Rough sketch was marked as Ex.P.5. PW6 further deposed that she investigated and recorded the statements of witnesses, namely, Muthu Karuppayi, Shanmugathai, Madasamy and Krishnan. She then deposed that when she again investigated 1 to 5 prosecution side list witnesses, they gave statements similar to the one they gave to previous investigation officer Kamala Devi and so, PW6 did not re-record the statements of said list witnesses. PW6 further deposed that on 29.11.2016 at 10.00 a.m., A2 was arrested at Puliampatti bus stop and was sent to JM Court for remand. PW6 then deposed that after completing investigation on the said day, she filed charge sheet against the accused.

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

After completion of prosecution evidence, accused A1 and A2 were questioned u/s. 313 of Cr.P.C. about incriminating evidences against them and they

denied it. No Oral or documentary evidence was adduced by the defence side. Hence, the defence side evidence was closed.

7. Point 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. 494 and 506(2) of IPC as against A1 beyond all reasonable doubts?
- 2) Whether the Prosecution has proved the allegation u/s. 494 of IPC as against A2 beyond all reasonable doubts?

8. Appreciation of Evidence and Observations of the Court:

8.1. 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 1st accused is the husband of PW1; that they have a 21 year old son named Manimaran and a 16 year old son named Rajesh; that about 10 years ago, A2 had married Krishnan and they both did not have any children; that in such circumstances, A1 and A2 had an affair with each other; that on 25.03.2014 at 18.00 hrs., after knowing about the affair, PW1 asked A1 regarding the said affair, A1 stated that he and A2 will continue with the affair and threatened PW1 by stating that if she asked about the same, he would set fire on her, thereby causing of alarm of death in the mind of PW1 and that A1 had committed bigamy by marrying A2 (who is an already married woman) without the

consent of PW1. Hence, in this case, charges under sections 494 and 506(2) of IPC was framed as against A1 and charges under section 494 of IPC was framed as against A2. It is now the burden of proof of prosecution to prove that the accused A1 and A2 had committed the aforesaid offences charged against them.

8.3. On the prosecution side, PW1 to PW6 have been examined and Ex.P.1 to Ex.P.5 were marked. Out of the said prosecution witnesses, PW1 is the defacto complainant. PW2 and PW3 are listed as witness who would depose regarding the incident. PW4 is observation magazhar witness. PW5 and PW6 are investigation officer witnesses.

8.4. In final report, it has been mentioned that on 25.03.2014 at 18.00 hrs., A1 had threatened to kill PW1. In final report, it has then been mentioned that A1 had committed bigamy by marrying A2 (who is an already married woman). On perusal of final report, this Court finds that there is no mention of specific date as to when A1 had married A2. In Ex.P.1., it has been mentioned that PW1 and A1 had married about 22 years ago; that A1 and A2 were in an affair; that when PW1, asked about the same, A1 threatened to kill PW1 and that about 11 months ago [(i.e.) about 11 months before filing of complaint], A1 had eloped with A2 and that A1 and A2 had married each other and were living in Coimbatore. In Ex.P.1., it has further been mentioned that this complaint was received and FIR was registered on 27.02.2015. On perusal of the aforementioned facts given in complaint, this Court finds that while it has been mentioned that A1 and A2 had eloped about 11 months before 27.02.2015, there is no mention of the specific date on which A1 threatened to kill PW1 and on which A1 and A2 had married each other. In Ex.P.3., it has been mentioned that about 11 months ago, the incident took place and that information

regarding the same was obtained on 27.02.2015 at 09.00 hrs. After analysis of the aforementioned facts, this Court is of the opinion that the date of occurrence mentioned in the final report and the time period (during which the incident is alleged to have happened) mentioned in Ex.P.1. are not in consonance with each other. This is because in final report, while it has been mentioned that A1 threatened to kill PW1 on 25.03.2014 at 18.00 hrs. [(i.e.) about 11 months before filing of complaint], there is no mention of specific mention of date on which A1 and A2 had eloped together and when they married each other. However, in Ex.P.1., it has been mentioned that A1 had eloped with A2 about 11 months before 27.02.2015 and that before such elopement, A1 had threatened to kill PW1. In Ex.P.1., there is no mention of the specific date and time on which A1 threatened to kill PW1 and there is no mention as to how many days before elopement with A2, A1 had threatened to kill PW1. Hence, from the above discussion, this Court is of the opinion that date of occurrence of the offences as mentioned in final report and the time period of occurrence of the offences as mentioned in Ex.P.1. are not in consonance with each other.

8.5. Before looking into the charges framed against the accused, this Court finds it important to address the discrepancy between PW1's testimony and Ex.P.1. During her chief examination, she has deposed that about 10 years ago, her husband A1 went for construction work; that at that time, A2 also went for construction work and that at the work place, A1 and A2 had an affair; that since A1 often spoke to A2 through the phone, PW1 had scolded him; that due to the same, A1 scolded and beat PW1; that A1 kept the photo of A2 in his house; that on seeing the same, PW1 scolded A1; that for the same, A1 hit PW1's cheek using his hands and that after getting angry for the same, PW1 went to her mother's house;

that she stayed at her mother's house for about 5 months; that when A1 came to her mother's house for picking her up, A1 threw cycle at PW1 and hit PW1 using stick; that A1 threw bricks; that A1 punched PW1's chest; that PW1's mother informed about the same in Kariyapatti police station and brought police to the place of incident and that her husband had run away from there; that about 10 years ago, PW1's husband and A2 went to Coimbatore and they worked in a white pigs rearing pigsty; that she received information that A1 and A2 have a girl child; that about 2 days before the day on which A1 eloped with A2, they had joined their son in a college in Salem; that after 2 days, they could not pay the fees and that when they informed the college about the same, they asked if any FIR was filed against her husband in the regard and asked her to bring such proof and that due to the same, PW1 gave complaint against her husband and A2. On perusal of Ex.P.1. (complaint filed by PW1), this Court finds that it in the said exhibit, it has been mentioned that A1 and A2 had an affair with each other in Puliampatti; that after hearing the same, PW1 asked about it and scolded A1; that for the same, A1 had threatened to kill PW1 and that about 11 months before the date of filing of complaint (27.02.2015), A1 eloped with A2; that they had married each other and were living together in Coimbatore. Besides the said facts, there is no mention of any other facts which were contended by PW1 during her chief examination, in Ex.A.1. From the above discussion, it is clear that other than the act of threat alleged to have been committed by A1 towards PW1; the act of elopement alleged to have been committed by A1 and A2 and the act of marriage which is alleged to have been committed by A1 and A2, no other offensive acts which is alleged to have been committed by A1 as mentioned by PW1 during her chief examination testimony is not mentioned in Ex.P.1.

8.6. This Court will now look into the charges framed against the accused A1 and A2 individually as follows:

A) Charge u/s. 506(2) of IPC:

8.7. The essential ingredients to establish charge u/s. 506(2) 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 and 3) Such threat should be threat to cause death or grievous hurt or to cause destruction of any property by fire, 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.

8.8. In final report, it has been mentioned that when PW1 asked to A1 about the affair he had with A2, on 25.03.2014 at 18.00 hrs., A1 had threatened to kill PW1 by uttering the words “நாங்கள் அப்படித்தான் பழகுவோம் இது பற்றி கேட்டால் உன்னை குடும்பத்தோடு சேர்த்து தீ வைத்து கொளுத்தி விடுவேன்”. In Ex.P.1., it has been mentioned that A1 and A2 had an affair and that when PW1 asked about the same and scolded A1, he had threatened PW1 by uttering the words “இதைப் பற்றி கேட்டால் உன்னைக் கொல்லாமல் விடமாட்டேன்”. On perusal of Ex.P.1., this Court finds that there is no mention of specific date and time during which A1 had uttered the threatening words towards PW1. On comparative analysis of the aforementioned contentions, this Court is of the opinion that there is discrepancy with respect to date of occurrence of the offence and specific threatening words alleged to have been uttered by A1 towards PW1.

8.9. On perusal of PW1's testimony, this Court finds that PW1 has deposed in her chief examination that since A1 often spoke to A2 through the phone, PW1 had scolded him and that due to the same, A1 scolded and beat PW1. From the aforementioned testimony of PW1, it is clear that PW1 has merely deposed that A1 scolded her. She has not deposed anything regarding A1's act of threatening to kill PW1, regarding the specific date on which A1 threatened to kill PW1 and regarding the specific threatening words which are alleged to have been uttered by A1 towards PW1. Hence, on comparative analysis of PW1's testimony and Ex.P.1., this Court finds that both the versions are not in consonance with each other with respect to the alleged act of A1 threatening to kill PW1. In this regard, PW2 has deposed in his chief examination that since A1 lived together with A2, both the accused had threatened PW1 by stating that they would kill her and that due to the same, PW1 got frightened and went to PW2's grand-mother's house in Virudhunagar. PW2 has not mentioned the specific date on which the accused allegedly threatened to kill PW1 and the specific threatening words which are alleged to have been uttered by A1 towards PW1. Further, on comparative analysis of the aforementioned testimony of PW2 and Ex.P.1., this Court finds that both the versions are not in consonance with each other, with respect to the accused who is alleged to have threatened to kill PW1. As per Ex.P.1., A1 had threatened to kill PW1. But, as per PW2's testimony, both A1 and A2 had threatened to kill PW1. Further, as mentioned above, PW1 has not deposed anything regarding A1's act of threatening to kill PW1. So, testimonies of PW1 and PW2 are also not in consonance with each other, with respect to the alleged act of A1 threatening to kill PW1.

8.10. On perusal of testimonies of the remaining prosecution witnesses, namely, PW3 to PW6, this Court finds that none of the said prosecution witnesses have deposed anything regarding the threatening words alleged to have been uttered by A1 towards PW1. From the above discussion, this Court is of the opinion that the prosecution has failed to establish that A1 had threatened to kill PW1 and so, has failed to prove the charge u/s. 506(2) of IPC as against A1, beyond all reasonable doubts.

B) Charge u/s. 494 of IPC:

8.11. The essential ingredients to establish charge u/s. 494 of IPC are: a person whose husband or wife is living should have married in any case in which such marriage is void by reason of it taking place during the life of such husband or wife.

8.12. In final report, it has been mentioned that A1 had committed bigamy by marrying A2 (who is an already married woman) without the consent of PW1. In Ex.P.1., it has been mentioned that about 11 months before filing of complaint (Ex.P.1.), A1 eloped with A2, that A1 and A2 got married and that they were currently living in Coimbatore. In this regard, PW1 has deposed in her chief examination that about 10 years ago, her husband A1 went for construction work; that at that time, A2 also went for construction work and that at the work place, A1 and A2 had an affair; that about 10 years ago, PW1's husband and A2 went to Coimbatore and they worked in a white pigs rearing pigsty and that she received information that A1 and A2 have a girl child. From the aforementioned testimony of PW1, it is clear that she has not deposed anything regarding A1 and A2 marrying each other. She has instead deposed that A1 and A2 had eloped together;

that they were living in Coimbatore and that she heard information that they had a child. In this regard, PW2 has deposed in his chief examination that when he was studying in 12th standard, his father and A2 lived together and that when they came to know that A1 and A2 were living together, A1 had eloped with A2 to Coimbatore. Further, PW2 has deposed during his cross examination that he does not have direct knowledge regarding A1 and A2 living together. In this context, PW3 has deposed in his chief examination that when he was studying in 9th standard, A1 and A2 had an affair; that his father abandoned them while stating that he was going to work in Kerala and that about 6 months later, they received information that A1 had eloped with A2. From the aforementioned testimonies of PW2 and PW3, it is clear that both of them have not deposed anything regarding A1 and A2 marrying each other.

8.13. PW4 is the observation magazhar witness and he has not deposed anything regarding A1 and A2 eloping and marrying each other. On perusal of testimonies of the two investigation officers, namely, PW5 and PW6 and on perusal of entire prosecution records, this Court finds that there has been no proof adduced by the prosecution for establishing that A1 and A2 married each other. In such circumstances, this Court is of the opinion that the prosecution has failed to establish that A1 and A2 married each other and so, the prosecution has failed to establish that they committed bigamy. Hence, this Court is of the view that the prosecution has failed to prove the charge u/s. 494 of IPC as against A1 and A2, beyond all reasonable doubts.

9. Finding of the Court:

The prosecution has failed to prove the charge u/s. 506(2) of IPC as against A1 and has failed to prove the charge u/s. 494 of IPC as against A1 and A2, beyond all reasonable doubts.

10. Decision:

In the result,

1) The accused A1 is found not guilty of the offences u/s. 494 and 506(2) of IPC and is acquitted u/s. 248(1) of Cr.P.C.

2) Accused A2 is found not guilty of the offences u/s. 494 of IPC and 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, 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 03rd July, 2026.

Additional District Munsif / Judicial Magistrate

Sankarankovil.

Appendix – A

Prosecution side Witnesses:

S.No.	Rank of Witness	Name of Witness	Remarks
1.	PW1	Shanmugathai	Defacto complainant
2.	PW2	Manimaran	Witness who could depose regarding the incident
3.	PW3	Rajesh	Witness who could depose regarding the incident
4.	PW4	Mariselvam	Observation magazhar witness
5.	PW5	Kamaladevi	Investigation officer
6.	PW6	Muthulakshmi	Investigation officer

Appendix – B

Prosecution side Exhibits:

S.No.	Exhibit	Description of Document
1.	Ex.P.1	Complaint
2.	Ex.P.2	PW4's 2 nd signature in observation magazhar
3.	Ex.P.3	First Information Report
4.	Ex.P.4	Observation magazhar

5.	Ex.P.5	Rough sketch
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Appendix – C

Material Objects – Nil

Appendix – D

Defence side Witness – Nil

Appendix – E

Defence side Exhibits – Nil

Additional District Munsif / Judicial Magistrate
Sankarankovil.