

TNTS080004992024



**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 07th day of August 2026

Calendar Case No. 191/2024

CNR No.TNTS08 – 000499 – 2024

The State represented by

The Sub-Inspector of Police,

Thiruvengadam Police Station (Cr.No.98/2015)

... Complainant

//Vs//

1. Karal Marks (aged 33/2015)

S/o. Kallanai

Muthusamiyapuram

2. Thamaraikani (aged 24/2015)

S/o. Karumalai

Muthusamiyapuram

3. Murugan (aged 25/2015)

S/o. Ramar

Kamaraj Nagar, Muthusamiyapuram

... A1 to A3

1.	Case Number	CC No.191/2024
2.	Name of the Police Station and Crime Number	Thiruvengadam Police station Crime No.98/2015
3.	Name of the Accused	A1 – Karal Marks A2 – Thamarai Kani A3 - Murugan
4.	Date of Occurrence	13.06.2015
5.	Date of Complaint	16.06.2015
6.	Date of Arrest	A1 to A3 – 27.06.2015
7.	Period of remand	A1 – 27.06.2015 to 01.08.2015 (36 days) A2 – 27.06.2015 to 01.08.2015 (36 days) A3 – 27.06.2015 to 29.07.2015 (35 days)

8.	Date of release on bail	A1 and A3 – 23.07.2015 (condition bail) A2 – 31.07.2015 (condition bail)	
9.	Date of filing final report	28.12.2018	
10.	Date of Commencement of trial	07.05.2019	
11.	Date of Chief examination	PW1	07.11.2025
		PW2	14.11.2025
		PW3	19.06.2026
12.	Date of Cross examination	PW1	07.11.2025
		PW2	14.11.2025
		PW3	19.06.2026
13.	Date of Conclusion of trial	25.06.2026	
14.	Plea of the accused	Not guilty	
15.	Finding of the Court	The accused A1 to A3 are found not guilty for the offences u/s. 457 and 380 of IPC and is acquitted u/s. 248(1) of Cr.P.C.	

This case came up for a final hearing on 16.07.2026 in the presence of Thiru.Mahil Vannan, Assistant Public Prosecutor Gr.I representing the State, and Advocate Thiru.R.Eswari representing the A1 to A3. 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, Thiruvengadam police station filed a final report alleging that on 13.06.2015 at 1.00 hrs., A1 and A2 went to Thiruvengadam Mahatma Gandhi Nagar 3rd street in which LW1 – Gopinath's house is situated, in a Pulsor bike bearing registration no. TN 67 AL 9140 and A3 went there in Bajaj Discover bike; that A1 broke open into LW1's locked house by breaking the lock of the house using a rod; that A2 and A3 went inside LW1's house and stole Sony LED TV (which is of the value of Rs. 17,000/-) from the said house. Hence, the accused A1 to A3 were charged for the offences u/s. 457 and 380 of Indian Penal Code, 1860 (Hereinafter IPC).

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. 457 and 380 of IPC as against the accused A1 to A3. Copies of the records was furnished to the accused, free of cost.

3. Framing of Charges:

On perusal of records, this Court was satisfied that there is ground for proceeding against the accused A1 to A3. Hence, this Court framed charge for the offences u/s. 457 and 380 of IPC as against the accused. Having understood the charge, the accused A1 to A3 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 3 witnesses as PW1 to PW3. Ex.P.1 to Ex.P.7 and M.O.1 were marked on behalf of the prosecution side. 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 – Murugan deposed in his chief examination that he did not know the accused; that the signature in confession statement was not his signature; that he did not know anything about the case and that police did not investigate him.

ii) PW2 – Anantharaj deposed in his chief examination that he did not know the accused; that signature in confession statement was not his signature; that he did not know anything about the case and that police did not investigate him.

iii) PW3 – Sudhakar deposed in his chief examination that he was currently working as SI in Thiruvengadam police station; that he knew the signatures of SSI Sudalaiyandi and SI Jegan and that he was deposing in this case on the basis of records. PW3 then deposed that on 16.06.2015 at 9.00 a.m., when SSI Sudalaiyandi was in station duty, he received the complaint filed by Gopinath and based on the said complaint, he registered FIR with crime no. 98/2015 u/s. 457, 380 of IPC. PW3 further deposed that original of complaint and FIR were sent to Sankarankovil JM Court; that copies of the same were sent to the concerned authorities and submitted one of the copies for perusal of SI Jegan. Complaint was marked as Ex.P.1. First Information Report was marked as Ex.P.2. PW3 then

deposed that on the same day, 10.00 a.m., the investigation officer took up the case file for investigation, went to the place of occurrence, investigated it in the presence of witnesses, namely, Durai and Raveendran and prepared observation magazhar and rough sketch. Observation magazhar was marked as Ex.P.3. Rough sketch was marked as Ex.P.4. PW3 further deposed that the following witnesses were investigated and their statements were recorded – Gopinath, Venkatesan, Rajalakshmi, Thabasuraj, Raveendran, Rajadurai and SSI Sudalaiyandi, who registered FIR. On 17.06.2015, the three accused gave individual confession statements when they were investigated with respect to Thalavaipuram police station crime no. 594 of 2014; that on the basis of confession statement given by Thamaraikani, Sony TV was seized from the said accused. Admissible portion in confession statement of accused Thamaraikani was marked as Ex.P.5. True copy of seizure magazhar was marked as Ex.P.6. Photo of Sony TV was marked as M.O.1. Based on the seizure magazhar given to Thiruvengadam police station, the accused were arrested in Srivilliputhur sub-jail on 18.06.2015. The material object seized was produced in the Court through Form 91. The said form-91 was marked as Ex.P.7. On 08.09.2015, the investigation was completed and final report was filed against the accused.

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

After the completion of prosecution evidence, accused 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:

Whether the Prosecution has proved the allegation u/s. 457 and 380 of IPC as against the accused A1 to A3, 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 on 13.06.2015 at 1.00 hrs., A1 and A2 went to Thiruvengadam Mahatma Gandhi Nagar 3rd street in which LW1 – Gopinath's house is situated, in a Pulsor bike bearing registration no. TN 67 AL 9140 and A3 went there in Bajaj Discover bike; that A1 broke open into LW1's locked house by breaking the lock of the house using a rod; that A2 and A3 went inside LW1's house and stole Sony LED TV (which is of the value of Rs. 17,000/-) from the said house. Hence, in this case, charges under section 457 and 392 of IPC were framed against the accused. It is now the burden of proof of prosecution to prove that the accused had committed the aforesaid offence charged against them.

8.3. On the prosecution side, PW1 to PW3 were examined. Ex.P.1 to Ex.P.7 and M.O.1 were marked. Out of the said prosecution witnesses, PW1 and PW2 are confession statement and seizure magazhar witnesses. PW3 is formal witness who has deposed regarding the investigation process carried out in the case on the basis

of records. On perusal of records, it is found that police had reported that LW1 – Gopinath (who has been listed as the defacto complainant and as the owner of TV alleged to have been stolen), LW2 – Venkatesan and LW3 – Rajalakshmi (who have been listed as witness who could depose regarding the incident) do not reside in their address on record. In this regard, VAO certificate have been adduced by the police. This Court then sent summons to LW1 to LW3 to appear before this Court for examination, through RPAD. The said summons sent to LW1 to LW3 were returned with endorsement stating that the addressee had left without instruction. So, the said LW1 to LW3 were dispensed with by the prosecution and were not examined.

8.4. In final report, date and time of occurrence of the offences have been mentioned as 13.06.2015 and night 1.00'o clock respectively. In Ex.P.1., it has been mentioned that on 13.06.2015 at 5.00 p.m., LW1 had locked the house and went to Madurai along with his parents to attend a marriage in Madurai; that when they returned on 16.06.2015 at 07.00 hrs. to their house in Tiruvengadam; that at that time, they found that the lock in front door was broken open; that the door was found open and that when they went inside the house, they found that the 24 inch Sony LED TV was stolen from the house. In Ex.P.2., it has been mentioned that the theft incident should have taken place after 17.00 hrs. on 13.06.2015. In Ex.P.1. and Ex.P.2., it has further been mentioned that information regarding the said incident was received on 16.06.2015 at 09.00 hrs. After considering that in Ex.P.1., it has been specifically mentioned that LW1 and his family came to know about the theft incident after their return from Madurai on 16.06.2015 at 07.00 hrs. and after analyzing of the aforementioned facts, this Court is of the opinion that there was no

inordinate delay in filing of complaint and in registration of FIR on the basis of such complaint.

8.5. As already stated above, since LW1 (who has been listed as the defacto complainant and as the owner of TV alleged to have been stolen) and LW2, LW3 (who have been listed as witness who could depose regarding the incident) do not reside in their address on record and since they did not appear before this Court for examination, they were not examined and were dispensed with. On perusal of testimonies of PW1 and PW2 (who have been listed as witnesses to confession statement alleged to have been given by accused Thamaraikani) have deposed in their chief examination that they did not know the accused; that signature in confession statement was not their signature; that they did not know anything about the case and that police did not investigate them. From such testimony, it is clear that they have not deposed anything which establishes any kind of nexus between the alleged theft incident and the accused and which establishes the nexus between the recovery of Sony TV and the accused. On perusal of testimony of PW3, this Court finds that he is a formal witness who has deposed regarding the investigation process carried out in the case, on the basis of records and this Court is of the opinion that his testimony also does not establish the nexus between the theft incident and accused and the nexus between the recovery of stolen Sony TV and the accused. Besides the said witnesses, the prosecution has not adduced any other evidence which establishes the aforementioned nexus, beyond all reasonable doubts.

8.6. In light of the above discussion, this Court concludes that the prosecution has failed to prove the charges u/s. 457 (House breaking at night for

committing theft) and 380 (Theft in dwelling house) of IPC, as against A1 to A3, beyond all reasonable doubts.

8.8. Order with respect to property: On perusal of records, it is found that Sony TV found in M.O.1 had been remanded to Sankarankovil JM Court via Form – 91 and that P.R. No. 172/2015 had been granted for the said property. The said property remains in the custody of Court. The owner of said property shall file appropriate petition seeking for return of the said material object, after expiry of appeal or appeal period.

9. Finding of the Court:

The prosecution has failed to prove the charge u/s. 457 and 380 of IPC as against the accused A1 to A3, beyond all reasonable doubts.

10. Decision:

In the result,

The accused A1 to A3 are found not guilty for the offences u/s. 457 and 380 of IPC and are acquitted u/s. 248(1) of Cr.P.C.

On perusal of records, it is found that Sony TV found in M.O.1 had been remanded to Sankarankovil JM Court via Form – 91 and that P.R. No. 172/2015 had been granted for the said property. The said property remains in the custody of Court. The owner of said property shall file appropriate petition seeking for return of the said material object, after expiry of appeal or appeal period.

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 07th August, 2026.

Additional District Munsif / Judicial Magistrate

Sankarankovil.

Appendix – A

Prosecution side Witnesses:

S.No.	Rank of Witness	Name of Witness	Remarks
1.	PW1	Murugan	Confession statement and seizure magazhar witnesses.
2.	PW2	Anantharaj	Confession statement and seizure magazhar witnesses
3.	PW3	Sudhakar	Formal witness who has deposed regarding the investigation process carried out in the case on the basis of records

Appendix – B

Prosecution side Exhibits:

S.No.	Exhibit	Description of Document
1.	Ex.P.1	Complaint
2.	Ex.P.2	First Information Report
3.	Ex.P.3	Observation magazhar
4.	Ex.P.4	Rough sketch
5.	Ex.P.5	Admissible portion in confession statement of accused Thamaraikani
6.	Ex.P.6	True copy of seizure magazhar
7.	Ex.P.7	Form - 91

Appendix – C

Material Object:

S.No.	Rank	Description of Material Object
1.	M.O.1	Photo of Sony LED TV

Appendix – D

Defence side Witness – Nil

Appendix – E

Defence side Exhibits – Nil

Additional District Munsif / Judicial Magistrate
Sankarankovil.

ADMC, SNKL

C.C.No.191/2024

Date.07.08.2026

Draft Judgment