

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

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

Additional District Munsif / Judicial Magistrate,

Sankarankovil

Dated Thursday, the 5th day of March 2026

Calendar Case No. 286/2024

CNR No.TNTS08 – 000728 -2024

The State represented by

The Sub-Inspector of Police,

Sankarankovil town Police Station (Cr. No.379/2015)

... Complainant

//Vs//

1.Murugan, (aged 28/2015)

S/o.Niraikulathan,

Ammankovil Street,

Sivalarkulam.

2. Murugan, (38/2015)

S/o. Muthukrishnan,

Utchimagaliyamman kovil Street,

Sankarankovil.

3. Navneetha Krishnan, (died) (38/2015)

S/o. Sankar,

Athimoola Vinayakar kovil Street,

Sankarankovil.

... Accused

1.	Case Number	CC No. 286/2024
2.	Name of the Police Station and Crime Number	Sankarankovil Town Police Station Crime No. 379/2015
3.	Name of the Accused	A1 – Murugan A2 – Murugan A3 – Navaneethkrishnan (died)
4.	Date of Occurrence	09.07.2015
5.	Date of Complaint	09.07.2015
6.	Date of Arrest	A1 – 18.08.2015

		A2 – 18.08.2015	
7.	Period of remand	A1 – 18.08.2015 to 21.08.2015 (4 days) A2 – 18.08.2015 to 24.08.2015 (7 days)	
8.	Date of release on bail	A1 – 21.08.2015 (Condition bail) A2 – 24.08.2015 (Condition bail) A3 – 04.09.2015 (Anticipatory bail)	
9.	Date of filing final report	20.05.2016	
10.	Date of Commencement of trial	07.11.2017	
11.	Date of Chief examination	PW1	13.04.2023
		PW2	13.04.2023
		PW3	02.06.2023
		PW4	03.06.2023
		PW5	08.06.2023
		PW6	08.06.2023
		PW7	16.06.2023
		PW8	26.06.2023
		PW9	26.06.2023

		PW10	10.07.2023
		PW11	07.08.2023
		PW12	27.06.2025
		PW13	27.11.2025
12.	Date of Cross examination	PW1	13.04.2023
		PW2	16.05.2023
		PW3	02.06.2023
		PW4	03.06.2023
		PW5	08.06.2023
		PW6	08.06.2023
		PW7	16.06.2023
		PW8	26.06.2023
		PW9	26.06.2023
		PW10	10.07.2023
		PW11	07.08.2023
		PW12	27.06.2025
		PW13	27.11.2025
13.	Date of Conclusion of	27.11.2025	

	trial	
14.	Plea of the accused	Not guilty
15.	Finding of the Court	<p>a) Since A3 – Navaneetha Krishnan had died on 18.01.2019 (i.e.) during pendency of this case, charges framed u/s. 294(b), 324 and 506(2) of IPC stand abated as against A3.</p> <p>b) Accused A1 and A2 are found not guilty for the offences u/s. 294(b), 324 and 506(2) of IPC and are acquitted u/s. 248(1) of Cr.P.C.</p>

This case came up for a final hearing on 20.02.2026 in the presence of Thiru.Bharaneendhar, Assistant Public Prosecutor Gr.I representing the State, and Advocate Thiru.K.Santhanamoorthi representing the Accused A1 and A2. A3 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, Sankarankovil town police station had filed a final report alleging that on 09.07.2015, at 21.30 hrs., LW -1 Jeevaraj was eating vada in a tea stall which is situated near TVLS lorry services office in South car street. At that time, the accused were going towards west in a two-wheeler vehicle

in high speed. Seeing the same, LW1 asked LW2 to LW8, as to why the accused were travelling in high speed. On hearing LW1 asking the same to LW2 to LW8, the accused returned there and uttered filthy words “தேவடியா கூதி மகனே, நாங்கள் எப்படி போனால் உனக்கு என்னல” towards LW1. A1 grabbed LW1’s neck and scratched LW1’s neck using his nails. A1 then hit LW1’s head repeatedly using the helmet he had in hand, thereby causing simple injuries in right side back of LW1’s head, left ear and left side neck of LW1. A1 to A3 then threatened LW1 by uttering the words “ஒழுங்காக இருந்து கொள், இல்லை என்றால் கொன்று புதைத்து விடுவோம்” towards him. Hence, the accused A1 was charged for the offences u/s. 294(b), 324, 506(2) of Indian Penal Code, 1860 (Hereinafter IPC), accused A2 and A3 were charged for the offences u/s. 294(b) and 506(2) 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. Hence, this Court took cognizance of the offences u/s. 294(b), 324, 506(2) of IPC as against the accused. Summons were issued to the accused and copies of the records were furnished to him, 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. Hence, this Court framed charges for the offences u/s. 294(b), 324, 506(2) of IPC as against the accused A1 to A3. The 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 13 witnesses as PW1 to PW13. 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 – Jeevaraj deposed in his chief examination that he knew the accused; that he knew the deceased accused Navaneethakrishnan. On 09.07.2015, at 9.30 p.m., PW1 and his friends, namely, Michael, Siva, Kumaresan and Ayyappan were going in the car for the purpose of going to Courtallam. PW1 then deposed that they went to TVLS shop which is situated in Sankarankovil south car street, for drinking tea. At that time, the three accused came there in their two-wheeler and they were driving as if they were going to collide with them. When PW1 asked the accused to go slow, the accused who had gone to some distance, returned back and hit PW1's head using helmet. The three accused hit PW1's right side head and due to the same, PW1 sustained blood injury. The accused then hit PW1's left side and due to the same, left side ear of PW1 was torn. While beating PW1, the three accused threatened PW1 by uttering the filthy words "தேவிடியா கூதிமவனே நீ இனிமேல் இப்படி பேசினால் உன்னை கொன்ன புதைக்காமல் விட மாட்டேன்." Due to the beating PW1 received from the accused, PW1 fainted. PW1 then went to Sankarankovil Government hospital for treatment. PW1 then stated that the signature in complaint statement was his

signature. Complaint statement was marked as Ex.P.1. PW1 then went to Tirunelveli Government hospital for further treatment and PW1 received treatment there for 2 days. PW1 further deposed that police investigated him in this regard.

ii) PW2 – Philip Gnanaraj deposed in his chief examination that he knew PW1; that he knew the accused; that he knew the deceased accused Navaneetha Krishnan. On 07.07.2015, PW2 and his friends, namely, Michael, Siva, Kumaresan, Ayyappan went to drink tea in a tea shop which is situated at north car street. PW1 went to an adjacent tea shop for drinking tea. PW2 then deposed that at that time, he heard a sound; that the accused were hitting PW1 using a helmet and that the accused threatened to kill PW1 by uttering the words “கொன்று புதைத்துவிடுவோம்”. Then, PW2 and his friends admitted PW1 in Sankarankovil government hospital for treatment. PW2 also deposed that police investigated him.

iii) PW3 – Michael deposed in his chief examination that he did not know the accused A1 Murugan, A2 Murugan and deceased A3 Navaneetha Krishnan. PW3 deposed that he knew PW1. In 7th month of 2015, at 8.00 p.m., PW3, Jeevaraj and Ayyappan went to drink tea in a platform shop which is situated in North car street. At that time, 3 persons came there in a bike, which was driven in high speed. When Jeevaraj asked those persons to go slow, the persons returned and uttered the filthy words “ஏய் தேவிடியா மகனே” towards Jeevaraj. Those persons then hit the back of Jeevaraj’s head and scratched his face using nails. PW3 and his friends admitted PW1 in Sankarankovil Government hospital. PW3 also deposed that police investigated him.

iv) PW4 – Sivasankara Narayanan deposed in his chief examination that he did not know the accused A1 to A3; that he did not know anything about the case and that police did not investigate him.

v) PW5 – Ayyappan deposed in his chief examination that he knew the accused present in the Court and that he knew the deceased accused Navaneetha Krishnan. When PW5, his brother in law Jeevaraj, Siva, Murugesan, Michael, Balamurugan and his friends were going to Courtallam, at 8.00 p.m., they went to drink tea in a shop which is situated in Sankarankovil South car street. At that time, the accused came there in one bike. When PW5's brother in law Jeevaraj asked the accused as to why they were coming in high speed, A1 hit Jeevaraj's head and leg. Jeevaraj sustained bleeding in his ear. The, PW5 took PW1 to Sankarankovil government hospital for treatment. When the accused were hitting PW1, they were uttering the filthy words “தேவியா மகனே” towards PW1. The police who came to the hospital, obtained complaint statement from PW1. PW5 also deposed that police investigated him in this regard.

vi) PW6 – Sankar deposed in his chief examination that the first signature in observation magazhar shown to him is not his signature; that he did not know anything about the case and that police did not investigate him.

vii) PW7 – Balamurugan deposed in his chief examination that he knew PW1; that he did not know A2; that he knew A1 and deceased A3. PW7 then deposed that PW7, PW1, Jeyakumar, Siva, Ayyappan, Kumaresan and his friends went to Courtallam in 2015 at 8.00 p.m.; that on their way, they stopped the Mahindra load vehicle before TVS lorry service which is situated in Sankarankovil south car street and that when they were walking to a tea shop for the purpose of

drinking tea, the accused came there from the west in their bike. When PW1 asked the accused to go slow, the accused hit PW1's head using helmet and due to the same, blood came from left ear. PW7 then deposed that Ayyappan took PW1 to the hospital and that police investigated him in this regard.

viii) PW8 – Dr. Jeslin deposed in her chief examination that on 09.07.2015 at 10.10 p.m., Jeevaraj was brought to PW8 for treatment by Ayyappan. PW8 then deposed that PW1 stated to him that on the same day, at 9.30 p.m., 3 unknown persons hit him using helmet in North Masi street and that he felt like vomiting. PW8 further deposed that on examining PW1, following injuries were found on him:

- a) Abrasion of the size 2 x 1 cm in back of PW1's head
- b) Abrasion of the size 1 x 1 cm in left ear lobe.
- c) Swelling found left neck region.

PW8 then deposed that he gave first aid treatment to PW1 and that he sent PW1 for further treatment in Tirunelveli Government hospital. As per the medical records received from Tirunelveli Government hospital, PW1 was admitted as in-patient in the said hospital from 10.07.2015 to 13.07.2015. X-ray and CT scan were taken for PW1's head. No internal injury was found. PW8 then deposed that she certified that the injuries sustained by PW1 as simple injuries. Wound certificate was marked as Ex.P.2.

ix) PW9 – Karthik deposed in his chief examination that the second signature in observation magazhar is not his signature; that he did not know anything about the case and that police did not investigate him.

x) PW10 – Bala Subramanian deposed in his chief examination that he was currently working as SSI in Karivalamvantha Nallur police station. On 09.07.2015 at 22.15 hrs., when he was working in Sankarankovil town police station, he received information from Sankarankovil government hospital and based on the said information, he went there and obtained the complaint statement of Jeevaraj who was getting treated as in-patient there. Based on the said complaint statement, FIR with crime no. 379/2015 u/s. 294(b), 324, 506(2) of IPC was registered. First Information report was marked as Ex.P.3. PW10 then deposed that he submitted the case for perusal of SI and that SI investigated him in this regard.

xi) PW11 – Surya Narayanan deposed in his chief examination that on 09.07.2015, head constable Bala Subramanian registered FIR with crime no. 379/2015 on the basis of complaint statement he obtained from Jeevaraj. On the same day, at 00.40 hrs., PW11 went to place of occurrence which is situated near TVS lorry office in South car street. PW11 then investigated the prosecution witnesses namely, Sankar, Karthik and prepared observation magazhar and rough sketch in their presence. Observation magazhar was marked as Ex.P.4. Rough sketch was marked as Ex.P.5. He then investigated and recorded the statements of the following prosecution witnesses, namely, Sankaranarayanan, Philipgnanaraj, Michael, Ayyappan, Siva, Kumaresan, Bala Murugan and head constable Bala Subramanian. PW11 further deposed that since he had gone to another city for the purpose of training, he gave the case file for investigation to SI Anbalagan and that SI investigated him.

xii) PW12 – Siva deposed in his chief examination that he did not know the accused; that he did not remember the date and time of occurrence of the incident. PW12 then deposed that in 2015, at 9.00 p.m., they came to Sankarankovil for the purpose of going to Courtallam and that they were drinking tea in a tea shop which is situated near Sankarankovil kovil vasal. At that time, Jeevaraj and Dileepan went to drink tea in adjacent shop. PW12 then deposed that at that time, he heard a noise; that there was a crowd. When PW12 went there, Jeevaraj was found with an injury in his head. When PW12 asked as to what had happened, he received information that three persons who came in bike had hit PW1. PW12 then admitted injured Jeevaraj in hospital for treatment. PW12 also deposed that police investigated him.

xiii) PW13 – Prabha deposed in her chief examination that she was currently working as SI in Sankarankovil town police station; that SI Anbalagan who worked as SI in Sankarankovil town police station is completely bed ridden and that she was deposing in this case on looking at the records. The first investigation officer Suriya Narayanan had seized two broken pieces of helmet on 10.07.2015 at 1.45 a.m., from the place of occurrence, in the presence of witnesses, namely, Sankar and Karthik and prepared a seizure magazhar. Seizure magazhar was marked as Ex.P.6. PW13 then deposed that he forwarded the seized material object to the Court through Form – 91. Form -91 was marked as Ex.P.7. The two broken parts of helmet are marked as M.O.1. PW13 then deposed that the investigation officer had investigated and recorded statements of witnesses. After the investigation officer Anbalagan had gone to another police station on transfer, Dr. Jeslin who treated the injured Jeevaraj was investigated by SI Anbalagan and her statement was recorded.

Wound certificate was obtained. After completion of investigation, final report against the accused was filed.

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

Since A3 – Navaneetha Krishnan had died on 18.01.2019 (i.e.) during pendency of trial, after the closure of prosecution evidence, accused A1 and A2 alone 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. Points 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 allegations u/s. 294(b), 324 and 506(2) of IPC as against the accused A1 to A3 beyond all reasonable doubts?

8. Appreciation of Evidence and Observations of the Court:

8.1. Learned Counsel for accused filed 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 09.07.2015, at 21.30 hrs., PW1 was eating vada in a tea stall which is situated near TVLS lorry services office in South car street; that at that time, the accused were going towards west in a two-

wheeler vehicle in high speed; that seeing the same, PW1 asked LW2 to LW8, as to why the accused were travelling in high speed; that on hearing PW1 asking the same, the accused returned there and uttered filthy words “தேவடியா கூதி மகனே, நாங்கள் எப்படி போனால் உனக்கு என்னல” towards PW1; A1 grabbed PW1’s neck and scratched PW1’s neck using his nails; that A1 then hit PW1’s head repeatedly using the helmet he had in hand, thereby causing simple injuries in right side back of PW1’s head, left ear and left side neck of PW1 and that A1 to A3 then threatened PW1 by uttering the words “ஒழுங்காக இருந்து கொள், இல்லை என்றால் கொன்று புதைத்து விடுவோம்” towards him. In this case, charges u/s. 294(b), 324 and 506(2) of IPC were framed as against the accused A1 to A3. It is now the burden of prosecution to prove that the accused had committed the aforesaid offences charged against them.

8.3. On perusal of records, it is found that it was reported by the police that A3 – Navaneetha Krishnan had died on 18.01.2019 and that in this regard, death certificate of A3 had been produced. Hence, charges framed u/s. 294(b), 324 and 506(2) of IPC stand abated as against A3.

8.4. Perusal of records shows that PW1 to PW13 were examined and Ex.P.1 to Ex.P.7 and M.O.1 were marked. PW1 is the defacto complainant and injured victim. PW2 to PW5, PW7, PW12 are eye witnesses to the incident. PW6 and PW9 are observation magazhar witnesses. PW8 is doctor witness. PW10 is the police officer who filed FIR. PW11 is the police officer who conducted initial investigation. PW13 is formal witness who has deposed in this case on the basis of records.

8.5. In final report, Ex.P.1 and Ex.P.3., date and time of occurrence of the offences had been mentioned as 09.07.2015 and 21.30 hrs. respectively. In Ex.P.1 and Ex.P.3., it has been mentioned that the complaint statement was recorded on 09.07.2015 at 22.45 hrs. in Sankarankovil government hospital and that FIR was registered on 09.07.2015 at 23.30 hrs. In Ex.P.2., it has been mentioned that PW1 was admitted in Sankarankovil Government hospital on 09.07.2015 at 10.10 p.m. On analysis of the above said facts, this Court is of the view that there was no inordinate delay in recording of complaint statement and in registration of FIR.

8.6. This Court will now look into the charges framed against the accused A1 to A3 individually as follows:

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

8.7. 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.

8.8. In *N.S. Madhanagopal & Anr. V. K. Lalitha [2022] 15 S.C.R. 649*, the Hon'ble Supreme Court had observed that:

“Mere abusive, humiliating or defamative words by itself cannot attract an offence u/s. 294(b) of IPC. To prove the offence u/s. 294 of IPC, mere utterance of obscene words is not sufficient but there must be a further proof to establish that it was to the annoyance of others which is lacking in this case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants accused annoyed others, it cannot be said that the ingredients of the offence u/s. 294(b) of IPC is made out.”

8.9. In the present case, in the final report, it has been mentioned that on 09.07.2015, at 21.30 hrs., PW1 was eating vada in a tea stall which is situated near TVLS lorry services office in South car street; that at that time, the accused were going towards west in a two-wheeler vehicle in high speed; that seeing the same, PW1 asked LW2 to LW8, as to why the accused were travelling in high speed; that on hearing PW1 asking the same, the accused returned there and uttered filthy words “தேவடியா கூதி மகனே, நாங்கள் எப்படி போனால் உனக்கு என்னல” towards PW1. On perusal of Ex.P.1 and Ex.P.3., this Court finds that the name of three accused have not been specifically mentioned and that it has been mentioned that the aforementioned act was committed by three persons. In this regard, PW1 has deposed in his chief examination that on 09.07.2015, at 9.30 p.m., PW1 and his friends, namely, Michael, Siva, Kumaresan and Ayyappan were going in the car for the purpose of going to Courtallam; that they went to TVLS shop which is situated in Sankarankovil south car street, for drinking tea; that at that time, the three accused came there in their two-wheeler and they were driving as if they were going to collide with them; that when PW1 asked the accused to go slow, the accused who had gone to some distance, returned back and hit PW1’s head using helmet; that while beating PW1, the three accused threatened PW1 by uttering the filthy words “தேவிடியா கூதிமவனே நீ இனிமேல் இப்படி பேசினால் உன்னை கொன்ன புதைக்காமல் விட மாட்டேன்.” A comparative analysis between PW1’s afore mentioned testimony and Ex.P.1., shows that the obscene words alleged to have been uttered by the accused A1 to A3 towards PW1 are not in consonance with each other. Perusal of testimonies of eye witnesses, namely, PW2 to PW5, PW7 and PW12 shows that PW2, PW4, PW7 and PW12 have not deposed anything regarding the obscene words alleged to have been uttered by the

accused A1 to A3 towards PW1. PW3 has deposed in his chief examination that in 7th month of 2015, at 8.00 p.m., PW3, Jeevaraj and Ayyappan went to drink tea in a platform shop which is situated in North car street; that at that time, 3 persons came there in a bike, which was driven in high speed and that when Jeevaraj asked those persons to go slow, the persons returned and uttered the filthy words “ஏய் தேவிடியா மகனே” towards Jeevaraj. On analysing the afore mentioned testimony of PW3 in light of PW1’s testimony and Ex.P.1., this Court finds that there are discrepancy with regards to time and place of occurrence between the said versions. As per PW1’s testimony and Ex.P.1., the alleged incident occurred at 9.30 p.m. in a tea shop which is situated at south car street. However, PW3 has deposed that the alleged incident occurred at 8.00 p.m., in a platform shop situated in north car street. On further perusal of PW3’s testimony this Court finds that PW3 has deposed in his chief examination that he did not know the three accused; that PW3 has merely deposed that three persons uttered filthy words towards PW1 and that PW3 has not specifically deposed that it was the accused who had uttered filthy words towards PW1. PW5 has deposed in his chief examination that when PW5, his brother in law Jeevaraj, Siva, Murugesan, Michael, Balamurugan and his friends were going to Courtallam, at 8.00 p.m., they went to drink tea in a shop which is situated in Sankarankovil south car street; that at that time, the accused came there in one bike; that when PW5’s brother in law Jeevaraj asked the accused as to why they were coming in high speed, A1 hit Jeevaraj’s head and leg; that when the accused were hitting PW1, they were uttering the filthy words “தேவிடியா மகனே” towards PW1. On analysis of PW5’s testimony in light of PW1’s testimony and Ex.P.1., this Court finds that there is discrepancy with regards to time of occurrence of the incident, between the said versions. Further, on

perusal of PW5's testimony in light of Ex.P.1., this Court finds that there is no consonance between the said version, with the regards to the specific obscene words alleged to have been uttered by the accused A1 to A3 towards PW1. Further, PW5 has not deposed anything regarding annoyance or insult caused to him on hearing the obscene words alleged to have been uttered by the accused A1 to A3 towards PW1. Besides the said witnesses, other prosecution witnesses, namely, PW6, PW8, PW9 to PW11 and PW13 have not deposed anything regarding the obscene words alleged to have been uttered by the accused A1 to A3 towards PW1. From the above discussion, this Court is of the opinion that the prosecution has failed to prove the charge framed u/s. 294(b) of IPC as against A1 and A2 beyond all reasonable doubts.

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

8.10. 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.

8.11. In *Manik Taneja and Anr. v. State of Karnataka [2015] 1 S.C.R. 156*, the Hon'ble Supreme Court had observed that:

"15. ...It is the intention of the accused that has to be considered in deciding as to whether what he has stated comes within the meaning of "Criminal intimidation". The threat must be with intention to cause alarm to the complainant

to cause that person to do or omit to do any work. Mere expression of any words without any intention to cause alarm would not be sufficient to bring the application of this section. But material has to be adduced on record to show that the intention is to cause alarm to the complainant...”

8.12. In final report, it has been mentioned that on 09.07.2015, at 21.30 hrs., when PW1 was eating vada in a tea stall which is situated near TVLS lorry services office in South car street, A1 to A3 then threatened PW1 by uttering the words “ஒழுங்காக இருந்து கொள், இல்லை என்றால் கொன்று புதைத்து விடுவோம்” towards him. On perusal of Ex.P.1 and Ex.P.3., this Court finds that the names of three accused have not been specifically mentioned and that it has been mentioned that the aforementioned act was committed by three persons. In this regard, PW1 has deposed in his chief examination that on 09.07.2015, at 9.30 p.m., PW1 and his friends, namely, Michael, Siva, Kumaresan and Ayyappan were going in the car for the purpose of going to Courtallam; that when they went to TVLS shop which is situated in Sankarankovil south car street, for drinking tea; the three accused threatened PW1 by uttering the filthy words “தேவிடியா கூதிமவனே நீ இனிமேல் இப்படி பேசினால் உன்னை கொன்ன புதைக்காமல் விட மாட்டேன்.” On perusal of PW1’s testimony in the light of Ex.P.1., this Court is of the opinion that the alleged threatening words alleged to have been uttered by the accused A1 to A3 are not in consonance with each other. Also, PW1 has not deposed anything regarding alarm of death caused due to the threatening words alleged to have been uttered by the accused toward him. On perusal of testimonies of eye witnesses, namely, PW2 to PW5, PW7 and PW12, this Court finds that other than PW2, no other eye witnesses have deposed anything regarding the threatening words alleged to have been uttered by the

accused A1 to A3 towards PW1. PW2 has deposed in his chief examination that on 07.07.2015, PW2 and his friends, namely, Michael, Siva, Kumaresan, Ayyappan went to drink tea in a tea shop which is situated at north car street; that PW1 went to an adjacent tea shop for drinking tea; that at that time, he heard a sound; that the accused were hitting PW1 using a helmet and that the accused threatened to kill PW1 by uttering the words “கொன்று புதைத்துவிடுவோம்”. Perusal of PW2’s testimony in light of Ex.P.1 and PW1’s testimony, this Court finds that there is discrepancy with regards to place of occurrence and date of occurrence of the incident between the said versions. As per Ex.P.1 and PW1’s testimony, the alleged incident took place on 07.07.2015 in a tea shop which is situated at south car street. However, PW2 has deposed in his chief examination that the alleged incident took place on 07.07.2015 in a tea shop which is situated at north car street. This Court is of the view that the said discrepancies are material in nature. Further, on comparison of PW2’s testimony with PW1’s testimony and Ex.P.1, this Court finds that there is no consonance between the said versions, with regards to the threatening words alleged to have been uttered by the accused A1 to A3 towards PW1. Besides the said witnesses, the other prosecution witnesses, namely, PW6, PW8, PW9 to PW11 and PW13 have not deposed anything regarding the threatening words alleged to have been uttered by the accused towards PW1. From the above discussion, this Court opines that the prosecution has failed to prove the charge u/s. 506(2) of IPC against A1 and A2, beyond all reasonable doubts.

C) Charge u/s. 324 of IPC:

8.13. The essential ingredients to establish charge u/s. 324 of IPC are: i) Voluntarily causing hurt, ii) Such hurt should not have been caused on grave and sudden provocation, iii) such hurt should have been caused by dangerous weapons or means. As per the definition of 'hurt' u/s. 319 of IPC, hurt includes bodily pain, disease of infirmity caused to any person.

8.14. Perusal of Ex.P.2 and PW8's testimony shows that PW1 had sustained the following simple injuries: a) Abrasion of the size 2 x 1 cm in back of PW1's head; b) Abrasion of the size 1 x 1 cm in left ear lobe and c) Swelling found left side of neck. It is now the burden of prosecution to prove that the said injuries of PW1 resulted due to act of the accused.

8.15. In final report, it has been mentioned that on 09.07.2015 at 21.30 hrs., PW1 was eating vada in a tea stall which is situated near TVLS lorry services office in South car street; that at that time, the accused were going towards west in a two-wheeler vehicle in high speed; that seeing the same, PW1 asked LW2 to LW8, as to why the accused were travelling in high speed; that on hearing PW1 asking the same, the accused returned there and uttered filthy words towards PW1; that A1 grabbed PW1's neck and scratched PW1's neck using his nails; that A1 then hit PW1's head repeatedly using the helmet he had in hand, thereby causing simple injuries in right side back of PW1's head, left ear and left side neck of PW1. As per final report, it was A1 who had caused the simple injuries to PW1. On perusal of Ex.P.1 and Ex.P.3., this Court finds that in both the said exhibits, it has been mentioned that on 09.07.2015 at 9.30 p.m., 3 persons were travelling in high speed in a two-wheeler vehicle; that PW1 was asking persons accompanying him

as to why the said 3 persons were travelling in such high speed; that on hearing the same, the three persons came back, uttered obscene words towards PW1 and that the person who was sitting behind in the said bike grabbed PW1's neck, scratched him using nails; that the said person hit PW1's head repeatedly using helmet which he had in his hand; that due to the same, PW1 sustained injuries in right side back of his head, in his left ear and in his left side neck. This Court finds that, as per the above mentioned contentions in Ex.P.1., only one person out of the said 3 persons had attacked PW1 and caused the alleged injuries and that in final report, that one person has been identified as A1. In this regard, PW1 has deposed in his chief examination that on 09.07.2015, at 9.30 p.m., PW1 and his friends, namely, Michael, Siva, Kumaresan and Ayyappan were going in the car for the purpose of going to Courtallam; that they went to TVLS shop which is situated in Sankarankovil south car street, for drinking tea; that at that time, the three accused came there in their two-wheeler and they were driving as if they were going to collide with them; that when PW1 asked the accused to go slow, the accused who had gone to some distance, returned back and hit PW1's head using helmet; that the three accused hit PW1's right side head and due to the same, PW1 sustained blood injury and that the accused then hit PW1's left side and due to the same, left side ear of PW1 was torn. On perusal of PW1's testimony in light of Ex.P.1., this Court finds that there is material contradiction with regards to the number of persons who are alleged to have attacked PW1, since, as per Ex.P.1., only one person attacked PW1 and as per PW1's testimony, all the three accused attacked PW1. To attain clarity in this regard, this Court finds it essential to look into testimonies of other eye witnesses. However, before looking into testimonies of such eye witnesses, this Court finds it important to point out that PW1 has deposed

in his cross examination that when PW1 was attacked by the accused, PW1's friends did not see it. Such testimony of PW1 rises doubt as to whether the eye witnesses actually saw the accused attacking PW1. Despite such doubt, this Court finds it pertinent to look into the testimonies of the eye witnesses to determine whether they have deposed anything regarding the alleged attack on PW1 by A1 to A3.

8.16. PW2 to PW5, PW7 and PW12 are eye witnesses to the incident. PW2 has deposed in his chief examination that on 07.07.2015, PW2 and his friends, namely, Michael, Siva, Kumaresan, Ayyappan went to drink tea in a tea shop which is situated at north car street; that PW1 went to an adjacent tea shop for drinking tea; that at that time, he heard a sound and that the accused were hitting PW1 using a helmet. Perusal of PW2's testimony in light of PW1's testimony and Ex.P.1., shows that there are material discrepancies with regards to date and place of occurrence. As per Ex.P.1 and PW1's testimony, the alleged incident occurred on 09.07.2015 in a tea shop which is situated at south car street. However, PW2 has deposed in his chief examination that the alleged incident took place on 07.07.2015 in a tea shop at north car street. In this regard, PW3 has deposed in his chief examination that in 7th month of 2015, at 8.00 p.m., PW3, Jeevaraj and Ayyappan went to drink tea in a platform shop which is situated in North car street; that at that time, 3 persons came there in a bike, which was driven in high speed; that when Jeevaraj asked those persons to go slow, the persons returned and uttered the filthy words towards Jeevaraj; that those persons then hit the back of Jeevaraj's head and scratched his face using nails. On analysing the afore mentioned testimony of PW3 in light of PW1's testimony and Ex.P.1., this Court finds that there are discrepancy with regards to time and place of occurrence between the

said versions. As per PW1's testimony and Ex.P.1., the alleged incident occurred at 9.30 p.m. in a tea shop which is situated at south car street. However, PW3 has deposed that the alleged incident occurred at 8.00 p.m., in a platform shop situated in north car street. On further perusal of PW3's testimony this Court finds that PW3 has deposed in his chief examination that he did not know the three accused; that PW3 has merely deposed that three persons uttered filthy words towards PW1 and that PW3 has not specifically deposed that it was the accused who had uttered filthy words towards PW1. PW4 has turned completely hostile and has deposed in his chief examination that he did not know anything about the case. PW5 has deposed in his chief examination that when PW5, his brother in law Jeevaraj, Siva, Murugesan, Michael, Balamurugan and his friends were going to Courtallam, at 8.00 p.m., they went to drink tea in a shop which is situated in Sankarankovil South car street; that at that time, the accused came there in one bike; that when PW5's brother in law Jeevaraj asked the accused as to why they were coming in high speed, A1 hit Jeevaraj's head and leg and that Jeevaraj sustained bleeding in his ear. On perusal of PW5's testimony in light of PW1's testimony, this Court finds that there is discrepancy with regards to time of occurrence of the incident and with regards to identity of the person who alleged to have attacked PW1. As per PW1's testimony, 3 accused attacked him using helmet at 9.30 p.m. on 09.07.2015. As per PW5's testimony, A1 alone attacked PW1 at 8.00 p.m. There is no mention of date of occurrence and weapon which was used to attack PW1. Further on perusal of PW5's testimony in light of Ex.P.1., this Court finds that there is discrepancy with regards to time of occurrence of the incident and with regards to identity of the person who alleged to have attacked PW1. As per Ex.P.1., it has been mentioned that one person who was sitting behind in the bike attacked

PW1 using helmet on 09.07.2015 at 9.30 p.m. However, PW5 has deposed in his chief examination that A1 attacked PW1 at 8.00 p.m. and during his cross examination, PW5 has deposed that it was A1 who drove the bike. Further, in this regard, PW12 has deposed in his chief examination that in 2015, at 9.00 p.m., they came to Sankarankovil for the purpose of going to Courtallam and that they were drinking tea in a tea shop which is situated near Sankarankovil kovil vasal; that at that time, Jeevaraj and Dileepan went to drink tea in adjacent shop; that at that time, PW12 heard a noise; that there was a crowd; that when PW12 went there, Jeevaraj was found with an injury in his head. During his cross examination, PW12 has deposed that he did not directly witness the incident. With regards to the incident, PW7 has deposed in his chief examination that PW7, PW1, Jeyakumar, Siva, Ayyappan, Kumaresan and his friends went to Courtallam in 2015 at 8.00 p.m.; that on their way, they stopped the Mahindra load vehicle before TVS lorry service which is situated in Sankarankovil south car street and that when they were walking to a tea shop for the purpose of drinking tea, the accused came there from the west in their bike and that when PW1 asked the accused to go slow, the accused hit PW1's head using helmet and due to the same, blood came from left ear. On perusal of PW7's testimony in light of PW1's testimony and Ex.P.1., this Court is of the view that there is discrepancy with regards to time of occurrence of the incident, between the said versions. As per PW1's testimony and Ex.P.1., the alleged incident took place at 9.30 p.m. However, PW7 has deposed that the alleged incident took place at 8.00 p.m. Further, PW7 has deposed that all three accused hit PW1's head using helmet. This is in contradiction with the contention in Ex.P.1 where in, it has been mentioned that a person who was sitting in back of the bike hit PW1's head. Considering that PW1 has deposed in his cross

examination, that when PW1 was attacked by the accused, PW1's friends did not see it and considering the aforementioned discrepancies in testimonies of eye witnesses, this Court is of the opinion that the aforementioned testimonies of eye witnesses are not reliable. Besides the said witnesses, other witnesses, namely, PW6, PW9 to PW11 and PW13 have not deposed anything regarding the alleged attack on PW1 by A1 to A3. From the above discussion, this Court opines that the prosecution has failed to prove the charge framed u/s. 324 of IPC as against A1 and A2, beyond all reasonable doubts.

8.17. In light of the above discussion, this Court concludes that the prosecution has failed to prove the charges u/s. 294(b), 324 and 506(2) of IPC as against the accused A1 and A2, beyond all reasonable doubts.

9. Finding of the Court:

The prosecution has failed to prove the charges u/s. 294(b), 324 and 506(2) of IPC as against the accused A1 and A2, beyond all reasonable doubts.

10. Decision:

In the result,

- c) Since A3 – Navaneetha Krishnan had died on 18.01.2019 (i.e.) during pendency of this case, charges framed u/s. 294(b), 324 and 506(2) of IPC stand abated as against A3.
- d) Accused A1 and A2 are found not guilty for the offences u/s. 294(b), 324 and 506(2) of IPC and are acquitted u/s. 248(1) of Cr.P.C.

M.O.1 is ordered to be destroyed after expiry of appeal period.

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 5th March, 2026.

Additional District Munsif / Judicial Magistrate

Sankarankovil.

Appendix – A

Prosecution side Witnesses:

S.No.	Rank of Witness	Name of Witness	Remarks
1.	PW1	Jeevaraj	Defacto Complainant
2.	PW2	Philip Gnanaraj	Eye witness
3.	PW3	Michael	Eye witness
4.	PW4	Sivasankara Narayanan	Eye witness
5.	PW5	Ayyappan	Eye witness
6.	PW6	Sankar	Observation magazhar witness
7.	PW7	Balamurugan	Eye witness
8.	PW8	Dr.Jeslin	Doctor witness

9.	PW9	Karthik	Observation magazhar witness
10.	PW10	Bala Subramanian	Police officer who filed FIR
11.	PW11	Surya Narayanan	Police officer who conducted initial investigation
12.	PW12	Siva	Eye witness
13.	PW13	Prabha	Formal witness

Appendix – B

Prosecution side Exhibits:

S.No.	Exhibit	Description of Document
1.	Ex.P.1	Complaint Statement
2.	Ex.P.2	Wound certificate
3.	Ex.P.3	First Information Report
4.	Ex.P.4	Observation magazhar
5.	Ex.P.5	Rough Sketch
6.	Ex.P.6	Seizure Magazhar
7.	Ex.P.7	Form 91

Appendix – C

Material Objects

S.No.	Exhibit	Description of Document
1.	M.O.1	The two broken parts of helmet

Appendix – D

Defence side Witness – Nil

Appendix – E

Defence side Exhibits – Nil

Additional District Munsif / Judicial Magistrate
Sankarankovil.