

IN THE COURT OF JUDICIAL MAGISTRATE NO.1, SRIVAIKUNTAM

Present : Thiru. B.Dharaneether. B. A., L L M.,
Judicial Magistrate No.1,
Srivaikuntam.

Dated : Friday, the 31st day of July 2026

C.C.No.156 of 2014

(CNR No: TNTT09-000245-2014)

State represented by

The Sub-Inspector of Police,

Serakulam Police Station,

Crime No.27 of 2013.

... Complainant

/Vs/

1. Tr.Sankaranarayanan — Died

2. Tr.Nambi

3. Tr. Srirangan

4. Tr. Govindan — Died

... Accused

This case having come up for final hearing before this Court in the presence of Ms.M.Seyadali Fathima B.A.,B.L.,M.L., the learned Assistant Public Prosecutor Grade II appearing for the State and advocate Tr.D.Venkatachalapathy appearing for accused and upon perusing the records and connected materials and having stood over for consideration till date, this Court delivers the following:

JUDGMENT

The final report was filed by the Sub-Inspector of Police, Serakulam Police Station against A1 for the offences punishable under Sections 294(b), 323, 324 and 506(i) IPC and against A2 to A4 for the offences punishable under Sections 323 and 506(i) IPC.

2. During the proceedings A1 Sankaranarayanan and A4 Govindan died. Therefore, the charges against A1 and A4 stood abated. Present judgement is in respect of A2 Nambi & A3 Srirangan only.

3. The case of the prosecution, in brief, is that P.W.1 Isakkimuthu and the accused belonged to rival groups concerning the administration and conduct of the festival of Thalavai Nallamadasamy Temple at Ramanujam Pudur. According to the prosecution, on 08.10.2013 at about 9.00 a.m., P.W.1 was walking from west to east on the main road near the Kannan statue at Ramanujam Pudur. At that time, A1 allegedly came from the opposite direction on a motor cycle and drove it towards P.W.1 as though he intended to collide with him. When P.W.1 questioned A1, A1 allegedly abused him in obscene language and struck him on the face with his hand, causing a bleeding injury. It is further alleged that A1 took a stone lying nearby and attempted to assault P.W.1. When P.W.1 tried to ward off the assault, he sustained an abrasion on his right elbow, lost balance and fell down. Thereafter, A2 Nambi, A3 Srirangan and A4 Govindan allegedly kicked P.W.1 on his stomach and back, causing bodily pain. It is further alleged that A1 and A2 threatened P.W.1 that they would not leave him alive, thereby causing fear for his life. P.W.2 Thirumalai Nambi and P.W.6 Murugan allegedly witnessed the occurrence and intervened. P.W.1 thereafter went to the Government Hospital, Srivaikuntam, for treatment.

4. On receipt of hospital intimation at about 4.00 p.m., P.W.7 Mariappan, who was then in charge of Serakulam Police Station, went to the Government

Hospital, Srivaikuntam and recorded the complaint statement of P.W.1. P.W.7 returned to the police station and registered a case in Crime No.27 of 2013 for the offences punishable under Sections 294(b), 323, 324 and 506(ii) IPC. The FIR was marked as Ex.P4. The investigating officer thereafter inspected the place of occurrence, prepared the observation mahazar and rough sketch, examined the witnesses, obtained the wound certificate and after completion of investigation, filed the final report.

5. Upon appearance of the accused, copies of the documents relied upon by the prosecution were furnished to them under Section 207 Cr.P.C.

6. Charges were framed against A1 under Sections 294(b), 323, 324 and 506(i) IPC and against A2 to A4 under Sections 323 and 506(i) IPC. The accused denied the charges and claimed to be tried.

7. In order to prove its case, the prosecution examined eight witnesses as P.Ws.1 to 8 and marked seven documents as Exs.P1 to P7. No material object was marked.

8. After completion of the prosecution evidence, the incriminating circumstances appearing against A2 and A3 were put to them under Section 313(1)(b) Cr.P.C. They denied the same as false. No witness was examined and no document was marked on their side.

POINTS FOR DETERMINATION

9. The following points arise for determination:

- (1). Whether the prosecution has proved beyond reasonable doubt that A2 and A3 voluntarily caused hurt to P.W.1 by kicking him on his stomach and back, thereby committing the offence punishable under Section 323 IPC?
- (2). Whether the prosecution has proved beyond reasonable doubt that A2 criminally intimidated P.W.1 by threatening that he would not leave him alive, with the intention of causing alarm, thereby committing the offence punishable under Section 506(i) IPC?
- (3). Whether the prosecution has proved beyond reasonable doubt that A3 committed the offence punishable under Section 506(i) IPC?

Evidence of the prosecution witnesses

10. P.W.1 Isakkimuthu is the defacto complainant and injured witness. He stated that on 08.10.2013 at about 9.00 a.m., while he was walking near the Kannan statue, A1 came on a motor cycle and drove towards him as though he intended to collide with him. P.W.1 stated that when he questioned A1, A1 abused him and struck him on the face, causing a bleeding injury. He further stated that when A1 took a stone and attempted to assault him, he tried to prevent the assault, sustained an abrasion on his right elbow, lost balance and fell down. P.W.1 specifically stated that after he fell down, A2 Nambi, A3 Srirangan and A4 Govindan kicked him on his stomach and back and that he suffered severe pain. P.W.1 further stated that A1 and A2 threatened that they

would not leave him alive and that the threat caused fear for his life. He thereafter went to the Government Hospital with the assistance of his brother's son.

11. During cross-examination, P.W.1 admitted that there had been a dispute between two groups concerning temple administration and collection of tax for the temple festival. He admitted that his brother Sengaan was associated with one of the groups. P.W.1 further admitted that he did not proceed directly to the police station after the occurrence, though the police station was situated on the route to the Government Hospital. He stated that he might have reached the hospital at about 11.00 a.m. or 12.00 noon. P.W.1 also admitted that a counter-case had been registered on the complaint of A1 against him and seven others, possibly on the same day. He denied the suggestion that the present complaint was lodged to escape from the counter-case.

12. P.W.2 Thirumalai Nambi stated that on 08.10.2013 at about 9.00 a.m., P.W.1 was walking near the Kannan statue when A1 came on a motor cycle and drove it towards him. P.W.2 stated that A1 abused and struck P.W.1 and thereafter assaulted him with a stone. He further stated that A2, A3 and A4 jointly kicked P.W.1 after he fell down. P.W.2 also spoke about the threat issued during the occurrence. He stated that he raised an alarm and took P.W.1 away from the place.

13. In cross-examination, P.W.2 admitted that A3 was his own brother. He also admitted that P.W.1 was related to him and belonged to the family of

Sengaan. He spoke about the longstanding temple dispute between the two groups. P.W.2 stated that he accompanied P.W.1 to the Government Hospital and that P.W.1 was taken on a two-wheeler. He stated that they reached the hospital at about 10.30 a.m. and that the complaint was recorded at about the same time.

14. P.W.3 Ganapathi is a witness to the observation mahazar. He admitted his signature but initially stated that he did not know its contents. When cross-examined by the prosecution, he accepted that the police inspected the occurrence place near the Kannan statue and prepared the observation mahazar and rough sketch in his presence.

15. P.W.4 Subramanian did not support the prosecution. He stated that he did not know anything about the occurrence and that the police had not examined him. He was treated as hostile. Even during prosecution cross-examination, P.W.4 did not accept the suggestion that he had witnessed the accused assaulting and threatening P.W.1. His earlier police statement cannot be treated as substantive evidence.

16. P.W.5 Arumugam is another witness to the observation mahazar. He admitted his signature but stated that he did not remember when it was obtained and that he had no direct knowledge of the case. He was treated as hostile.

17. P.W.6 Murugan stated that in the year 2013, at about 9.30 a.m., he saw A1 and P.W.1 grappling and rolling on the road. He stated that he raised an

alarm and asked them to go away. He denied knowledge of the remaining prosecution allegations.

18. P.W.7 Mariappan registered the FIR. He spoke about receipt of hospital intimation, recording of Ex.P1 complaint and registration of the case. In cross-examination, P.W.7 admitted that P.W.1 did not lodge any complaint directly at the police station immediately after the occurrence. He further admitted that Crime No.28 of 2013 had been registered as a counter-case on the allegation that P.W.1 and the other witnesses had assaulted the accused.

19. P.W.8 Ramesh was examined as a formal police witness acquainted with the handwriting and signature of the investigating officer. He spoke from the case records regarding inspection of the occurrence place, examination of witnesses, collection of the wound certificate and filing of the final report. P.W.8 admitted that persons residing near the occurrence place were not examined as witnesses. He further admitted that the observation mahazar and rough sketch did not record any visible sign of the occurrence and that neither the motor cycle nor the alleged stone was recovered. P.W.8 also admitted that there was an interval of approximately nine hours between the alleged time of occurrence and the recorded time of hospital admission and that the investigating officer had not investigated the reason for such delay.

DISCUSSION

20. It is settled that the prosecution must prove the guilt of an accused beyond reasonable doubt. However, proof beyond reasonable doubt does not mean proof beyond every imaginary or remote possibility.

21. The Court must consider whether the evidence, viewed as a whole, establishes the essential ingredients of the charge. Minor discrepancies caused by lapse of time or differences in observation cannot be elevated into grounds for acquittal unless they affect the core prosecution version.

22. P.W.1 is an injured witness. His presence at the occurrence cannot lightly be doubted, particularly when the prosecution has produced the wound certificate and when even P.W.6 admitted that a physical quarrel took place between A1 and P.W.1 on the road at about the relevant time. The principal allegations against A2 and A3 are distinct from the serious allegations against deceased A1. A1 was alleged to have driven the motor cycle towards P.W.1, abused him, struck him and used the stone. A2 and A3 are alleged to have kicked P.W.1 after he fell down. Therefore, the narrowed point is to determine whether the specific subsequent overt act attributed to A2 and A3 is reliably proved.

23. The evidence establishes that the parties belonged to rival temple factions and that disputes had continued for several years. Prior enmity is a double-edged circumstance. It may provide a motive for the accused to commit the offence, but it may also provide a motive for false implication. Consequently,

the evidence of interested or factional witnesses must be scrutinised with care, but it cannot be rejected solely on that ground. The defence has also established that Crime No.28 of 2013 was registered as a counter-case against P.W.1 and others.

24. P.W.6's evidence that A1 and P.W.1 were grappling and rolling on the road supports the existence of a mutual physical assault. It does not disprove the prosecution allegation that A2 and A3 thereafter joined and kicked P.W.1.

25. There is a discrepancy regarding the time at which P.W.1 reached the hospital. P.W.1 stated that he might have reached the hospital at about 11.00 a.m. or 12.00 noon, while P.W.2 stated that they reached at about 10.30 a.m. The investigating witness admitted that the medical records indicated a much later time and that there was an interval of approximately nine hours between the occurrence and hospital admission. Nevertheless, delay by itself is not sufficient to discard direct evidence if the evidence concerning the specific overt act is otherwise cogent and consistent.

26. The complaint and the evidence of P.W.1 consistently attribute the act of kicking to A2 and A3. P.W.2 also directly corroborates the same act. There is no material contradiction between P.Ws.1 and 2 regarding the participation of A2 and A3 in kicking P.W.1 after his fall.

27. P.W.2 is related to P.W.1. However, he is also the own brother of A3. Relationship by itself is not a ground to reject his evidence. His relationship with both sides requires careful scrutiny. The fact that P.W.2, despite being A3's

brother, gave evidence regarding A3's participation in the assault is a significant circumstance. Ordinarily, a witness would not falsely implicate his own brother unless there were strong reasons to do so.

28. Nothing substantial has been elicited to show that P.W.2 had any independent motive to falsely implicate A3. His evidence regarding the act of A2 and A3 kicking P.W.1 is consistent with the evidence of the injured witness. Accordingly, the evidence of P.W.2 provides dependable corroboration to the testimony of P.W.1 regarding the charge under Section 323 IPC.

29. P.Ws.4 and 6 did not fully support the prosecution. However, the prosecution is not required to prove its case through any particular number of witnesses. The testimony of a hostile witness is not completely effaced from the record. The portion of the evidence which is credible and consistent with the other evidence may be accepted. P.W.6's admission that A1 and P.W.1 were grappling on the road corroborates the occurrence of a quarrel at the stated place and around the relevant time. His failure to support the entire prosecution case does not necessarily render the consistent evidence of P.Ws.1 and 2 false.

30. To prove the offence under Section 323 IPC, the prosecution must establish that the accused voluntarily caused bodily pain, disease or infirmity to another person. It is not necessary that every act of kicking should leave a separately identifiable external injury. Bodily pain itself constitutes hurt. P.W.1 expressly stated that A2 and A3 kicked him on the stomach and back after he fell

down and that he suffered severe pain. P.W.2 corroborated that A2 and A3, along with A4, kicked P.W.1 after he had fallen down.

31. Their evidence is consistent regarding the presence of A2 and A3, P.W.1 falling on the road, the accused joining in the assault, the act of kicking and the bodily pain caused to P.W.1. The absence of a distinct injury in the wound certificate corresponding to each individual kick is not fatal. Section 323 IPC does not require visible injury when bodily pain has been proved through reliable oral evidence.

32. Therefore, this Court finds that the prosecution has proved beyond reasonable doubt that A2 and A3 voluntarily caused hurt to P.W.1 by kicking him on the stomach and back. Point No.1 is accordingly answered in favour of the prosecution.

33. To constitute criminal intimidation, the prosecution must prove that the accused threatened another person with injury to his person, reputation or property, with the intention of causing alarm or compelling him to do or omit an act. A mere angry utterance or casual threat is not sufficient. The words and surrounding circumstances must establish an intention to cause alarm.

34. P.W.1 specifically stated that A1 and A2 threatened that they would not leave him alive. He further stated that the threat caused fear for his life. Thus, P.W.1 did not merely reproduce threatening words. He expressly spoke about the effect of the threat upon his mind. The threat was issued during or immediately after the physical assault, when P.W.1 had fallen down and was

being kicked. The accompanying violence gives seriousness to the words and shows that they were not merely casual or empty expressions. Therefore, the surrounding circumstances establish that the threat was intended to cause alarm and that it actually caused alarm to P.W.1.

35. The evidence of P.W.1 regarding the threat by A2 is clear and has not been materially contradicted. Accordingly, the prosecution has proved the offence punishable under Section 506(i) IPC against A2 beyond reasonable doubt. Point No.2 is answered in favour of the prosecution.

36. P.W.1 specifically attributed the threat only to A1 and A2. He did not state that A3 uttered any threat. No clear evidence establishes that A3 joined A1 and A2 in issuing the threat or that he shared their intention to cause alarm to P.W.1. Therefore, the prosecution has failed to prove the charge under Section 506(i) IPC against A3 beyond reasonable doubt. Point No.3 is answered against the prosecution.

In the result A2 Nambi is found guilty and convicted for the offences punishable under Sections 323 and 506(i) IPC under Section 248(2) Cr.P.C. A3 Srirangan is found guilty and convicted for the offence punishable under Section 323 IPC under Section 248(2) Cr.P.C. A3 Srirangan is found not guilty and acquitted of the offence punishable under Section 506(i) IPC under Section 248(1) Cr.P.C.

A2 and A3 were questioned regarding the quantum of sentence. Both of them pleaded for leniency.

Heard A2 and A3 and the learned counsel appearing for them on the question of sentence. It is seen that the occurrence is of the year 2013 and the accused have faced the criminal proceedings for a considerable period. There is also no material placed before this Court to show that A2 or A3 has any previous conviction or criminal antecedent. Thus, A2 and A3 are treated as first-time offenders.

Considering the nature of the offences, the circumstances in which the occurrence took place, the absence of any previous conviction and the passage of considerable time from the date of occurrence, this Court is of the view that it is not necessary to impose a substantive sentence of imprisonment upon A2 and A3. Section 3 of the Probation of Offenders Act, empowers the Court, where a person is found guilty of an offence punishable with imprisonment for not more than two years, or with fine, or with both and no previous conviction is proved against him, to release him after due admonition instead of sentencing him to punishment, having regard to the circumstances of the case including the nature of the offence and the character of the offender. In the absence of any material showing previous conviction and considering the circumstances stated above, this Court finds it expedient to extend the benefit of Section 3 of the Probation of Offenders Act to A2 and A3.

Accordingly, instead of sentencing A2 and A3 to any punishment, A2 and A3 are released after due admonition under Section 3 of the Probation of Offenders Act. A2 and A3 are admonished to maintain peace and good

behaviour and are cautioned not to involve themselves in any similar occurrence in future.

Directly typed and pronounced by me in the open Court on this the 31st day of July 2026.

**Judicial Magistrate No.1,
Srivaikuntam**

APPENDIX

List of Prosecution witnesses

Witness	Name	Nature of evidence
P.W.1	Isakkimuthu	Defacto complainant
P.W.2	Thirumalai Nambi	Eyewitness
P.W.3	Ganapathi	Observation mahazar witness
P.W.4	Subramanian	Eyewitness
P.W.5	Arumugam	Observation mahazar witness
P.W.6	Murugan	Eyewitness
P.W.7	Mariappan	Police witness
P.W.8	Ramesh	Police witness

List of Prosecution exhibits

Exhibit	Description
Ex.P1	Complaint statement of P.W.1
Ex.P2	Signature of P.W.3 in observation mahazar
Ex.P3	Signature of P.W.5 in observation mahazar
Ex.P4	FIR
Ex.P5	Observation mahazar
Ex.P6	Rough sketch
Ex.P7	Wound certificate

Exhibit	Description

Defence witnesses

Nil.

Defence exhibits

Nil.

Material objects

Nil.

**Judicial Magistrate No.1,
Srivaikuntam**

Note

1. Accused convicted.
2. Result of the case informed to the concerned police.
3. No material object is available for disposal.
4. Date of judgment 31.07.2026
5. Date of uploading 31.07.2026

Copy submitted to

The Hon'ble Chief Judicial Magistrate, Thoothukudi