

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.397 of 2022

(CNR. No.TNTT09-006982-2022)

State represented by
The Sub-Inspector of Police,
Srivaikuntam Police Station,
Crime No.429 of 2020.

... Complainant

Versus

1. Abdul Kareem @ Asim,
S/o. Jawfer Ali.

2. Seyyed Umar Bathusha,
S/o. Mohammed Hanifa.

... 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.M.A.Shahjahan B.Com., L.L.B., 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 Sub-Inspector of Police, Srivaikuntam Police Station, filed the final report against A1 and A2 for the offences punishable under Sections 294(b), 324

and 323 IPC. The final report specifically attributes offences under Sections 294(b) and 324 IPC to A1 and offences under Sections 294(b) and 323 IPC to A2.

2. The prosecution case, in brief, is that on 01.09.2020 at about 9.45 p.m., when P.W.1 Thameem Ansari was standing in front of his house at Srivaikuntam, the accused came there and allegedly abused him in obscene language. It is further alleged that A1 Abdul Kareem took a stone lying nearby and assaulted P.W.1 on the right side of his head and caused simple injury. When P.W.2 Muhamathu Sheik Sintha intervened, A1 allegedly bit his right hand and caused injury. A2 Seyyed Umar Bathusha allegedly caught hold of P.W.2 and pushed him down, thereby causing hurt. On the complaint of P.W.1, Crime No.429 of 2020 was registered. After investigation, the final report was filed against A1 and A2.

3. Upon appearance of the accused, copies of the prosecution records were furnished to them under Section 207 Cr.P.C. Charges were framed and explained to the accused. They denied the charges and claimed to be tried.

4. In order to prove the case, the prosecution examined five witnesses as P.Ws.1 to 5 and marked Exs.P1 to P7.

5. After completion of prosecution evidence, the incriminating circumstances appearing against the accused were put to them under Section 313(1)(b) Cr.P.C. They denied the same. No oral or documentary evidence was let in on their side.

Point for determination

6. The point that arises for determination is:

Whether the prosecution has proved beyond reasonable doubt that A1 and A2 committed the offences charged against them under Sections 294(b), 324 and 323 IPC?

Evidence of Prosecution

7. P.W.1 Thameem Ansari is the defacto complainant. He stated that he knew the accused and that they were presently on amicable terms. He further stated that nobody had compelled him to enter into the compromise. He admitted his thumb impression in the complaint but stated that he did not know its contents and that the police had not examined him. He was therefore treated as hostile. During cross-examination by the prosecution, P.W.1 denied the suggestion that on 01.09.2020 the accused came to his house, abused him, assaulted him with a stone and caused injury or that A1 bit P.W.2. Thus, the defacto complainant has not supported the prosecution case.

8. P.W.2 Muhamathu Sheik Sintha was cited as an injured eyewitness. He stated that he knew P.W.1 and the accused but that he did not know anything about the case and that the police had not examined him. He denied the prosecution suggestion that A1 bit his right hand and caused injury or that the accused assaulted P.W.1. He was also treated as hostile.

9. P.W.3 Antony Sathish was cited as an eyewitness. He stated that he knew the parties but did not know anything about the occurrence and that the police had not examined him. He denied the prosecution version regarding the assault and was also treated as hostile.

10. P.W.4 Sahul Hameed was another occurrence witness. He similarly stated that he knew the parties but did not know anything about the case and that the police had not examined him. He denied having witnessed the occurrence and was treated as hostile.

11. P.W.5 Sudarsan is the formal police witness. He spoke on the basis of the case records regarding registration of the FIR and investigation. He stated that the complaint was marked as Ex.P2 and the FIR as Ex.P3. P.W.5 further stated that the observation mahazar and rough sketch were marked as Exs.P4 and P5. He also stated that two wound certificates relating to the injured persons were obtained and marked as Exs.P6 and P7.

Discussion

12. In the present case, P.W.1 is the defacto complainant and P.W.2 is the alleged injured eyewitness. Both of them have completely failed to support the prosecution version. P.Ws.3 and 4, who were cited as eyewitnesses to the occurrence, have also turned hostile and denied knowledge of the alleged incident. Thus, none of the occurrence witnesses has given substantive evidence before this Court proving that either A1 or A2 assaulted P.W.1 or P.W.2.

13. With regard to Section 294(b) IPC, no witness has stated before this Court the obscene words allegedly uttered by either of the accused. In fact, all the occurrence witnesses have denied the prosecution version itself. Therefore, the essential ingredients of the offence punishable under Section 294(b) IPC have not been proved.

14. The prosecution alleges that A1 assaulted P.W.1 with a stone and also bit the right hand of P.W.2. However, P.W.1 and P.W.2 have not supported either allegation. The wound certificates marked as Exs.P6 and P7 may establish that P.W.1 and P.W.2 had sustained injuries. But the medical documents by themselves cannot prove that A1 caused those injuries. In the absence of substantive evidence connecting A1 with the injuries, the charge under Section 324 IPC is not proved beyond reasonable doubt.

15. The prosecution alleges that A2 caught hold of P.W.2 and pushed him down, causing hurt. However, P.W.2 himself has denied the occurrence. There is no other substantive evidence proving the specific overt act attributed to A2. Hence, the charge under Section 323 IPC against A2 is also not proved.

16. P.W.5 is only a formal police witness. His evidence establishes the registration of the case, preparation of investigation documents and collection of wound certificates, but he was not an eyewitness to the occurrence. Therefore, the documentary evidence cannot substitute the absence of substantive evidence regarding the actual assault.

17. Further, P.W.1 has stated that the parties are now on amicable terms and has voluntarily entered into a compromise. Though such compromise by itself is not a ground to acquit the accused of a non-compoundable offence, it is consistent with the fact that P.W.1 has not supported the prosecution case before this Court.

18. On the evidence available, there is no reliable substantive evidence connecting A1 or A2 with the alleged offences. Hence, the prosecution has failed to prove the charges against the accused beyond reasonable doubt. Accordingly, the point for determination is answered against the prosecution and in favour of the accused.

RESULT

In the result, A1 Abdul Kareem @ Asim is found not guilty of the offences punishable under Sections 294(b) and 324 IPC and is acquitted under Section 248(1) Cr.P.C. A2 Seyyed Umar Bathusha is found not guilty of the offences punishable under Sections 294(b) and 323 IPC and is acquitted under Section 248(1) Cr.P.C.

The bail bonds, if any, executed by the accused shall stand cancelled and their sureties shall stand discharged, subject to Section 437-A Cr.P.C. No case property produced.

A1 and A2 shall execute bonds under Section 437-A Cr.P.C. to appear before the appellate Court as and when required, and such bonds shall remain in force for a period of six months.

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 Witness

P.W.	Name	Nature of evidence
P.W.1	Thameem Ansari	Defacto complainant
P.W.2	Muhamathu Sheik Sintha	Eyewitness
P.W.3	Antony Sathish	Eyewitness
P.W.4	Sahul Hameed	Eyewitness
P.W.5	Sudarsan	Police witness

List of Prosecution exhibits

Exhibit	Marked through	Description
Ex.P1	PW1	Compromise petition
Ex.P2	PW5	Complaint
Ex.P3	PW5	FIR
Ex.P4	PW5	Observation Mahazar
Ex.P5	PW5	Rough Sketch
Ex.P6	PW5	Wound Certificate of Thameem Ansari

Exhibit	Marked through	Description
Ex.P7	PW5	Wound certificate of Muhamathu Sheik Sintha

List of Defence witnesses: Nil.

List of Defence exhibits: Nil.

List of Material objects: Nil.

**Judicial Magistrate No.1,
Srivaikuntam**

Note

1. Accused acquitted.
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