

**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
OTTAPIDARAM**

Present : Thiru. A. *Dharanidharan*, B.Sc., M.L., M.A., LL.M., Dip. JJIP, PGDDF.,

District Munsif cum Judicial Magistrate, Ottapidaram

On this 22nd day of August 2026

Calendar Case No. 100 of 2022

State Through the Sub Inspector of Police,
Puliyampatti Police Station,
Cr. No. 17 of 2021

Complainant

Vs

A1. Balakrishnan, (Age 46/2021),
S/o.Kanthasamy,
6/44, East Street,
Kasilingapuram,
Thoothukudi.

A2. Pattu @ Pattukani, (Age 44/2021),
S/o.Vettumperumal,
7/118, North Street,
Keezha Sekkarakkudi,
Srivaikudam Taluk,
Thoothukudi District.

A3. Lakshmanaperumal, (Age 47/2021),
S/o.Irunkolapillai,
7/116, North Street,
Keezhachekkarakudi,
Srivaikundam Taluk,
Thoothukudi District.

Accused

CASE SUMMARY

(Inculcated as per the direction of Hon'ble High Court of Madras in
R.O.C.No:-814/2021/RG/G1 dated 07.04.2021)

1	Period of Remand of Accused	--
2	Date of filing of final report	07.08.2021
3	Date of Questioning of Accused under section 240 of Cr.P.C. 1973	21.12.2021

4	Criminal Miscellaneous petition D.O.F – Results – Further proceedings and Results thereof (Except 317 Petitions)	--																		
5	Date of Examination in Chief and Cross Examination of	<table> <tr> <th>PW's</th><th>Chief</th><th>Cross Examination</th></tr> <tr> <td>PW1</td><td>13.02.2024</td><td>13.02.2024</td></tr> <tr> <td>PW2</td><td>13.02.2024</td><td>13.02.2024</td></tr> <tr> <td>PW3</td><td>11.06.2024</td><td>11.06.2024</td></tr> <tr> <td>PW4</td><td>29.07.2026</td><td>29.07.2026</td></tr> <tr> <td>PW5</td><td>29.07.2026</td><td>29.07.2026</td></tr> </table> Documents marked Ex.P1 to Ex.P4	PW's	Chief	Cross Examination	PW1	13.02.2024	13.02.2024	PW2	13.02.2024	13.02.2024	PW3	11.06.2024	11.06.2024	PW4	29.07.2026	29.07.2026	PW5	29.07.2026	29.07.2026
PW's	Chief	Cross Examination																		
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PW3	11.06.2024	11.06.2024																		
PW4	29.07.2026	29.07.2026																		
PW5	29.07.2026	29.07.2026																		
6	Date of Examination of Accused u/s 313 (1) (b) of Cr P C	07.08.2026																		
7	Date of abscondence and appearance/surrender/production	-Nil-																		
8	Stay by superior courts and results thereof	-Nil-																		

The case was taken on file as C.C.407/2021 on 22.10.2021 before the Hon'ble Judicial Magistrate No.I, Kovilpatti and the same was transferred as per the proceedings of the Hon'ble Principal District Judge, Thoothukudi in A1.No.282/2022 dated 11.10.2022 on the point of jurisdiction to this Court. This court has assigned new number as C.C.100/2022 on 31.10.2022 which came up for final hearing on 11.08.2026 in the presence of Tr.P. Murugesan Assistant Public Prosecutor Grade I, for Complainant, the Learned Advocate Tr.L.Viji, B.A., B.L., appeared for the accused and after hearing the arguments of counsel for both sides, and after careful consideration of the entire evidence, and having stood over till this day for consideration, this Court delivers the following: -

JUDGMENT

This is a case which has been instituted on the Police Report under Section 173 (2) of the Code of Criminal Procedure (in short, "the Code").

2. The Gist of the final report:-

(a) The PW1 is a contractor of the Windmill Infrastructure Private Limited and the accused A1 Balakrishnan A2 Patuukani A3 Laksmanaperumal reside at Keezhasekaarakudi. That on 15/03/2021 at about 17:00 hours, near Singakurichi when the Windmill work was under progress the said accused trespassed and criminally intimidated the workers when PW1 was present as Supervisor, and literally abused PW1 and also criminally intimidated by showing the rod and thereby the accused A1 and A2 have committed offences punishable under Section 441, 294 (b), 352, 506 (ii) and the accused A3 Lakshmanaperumal committed offence under Section 109 of IPC.

(b) In the present factual matrix the accused A1 and A2 stands charged under Sections 441, 294 (b), 352, 506 (ii) of IPC and A3 stands charged under Section 109 of IPC.

(c) The then Sub-Inspector of Police Thiru.Velladurai, who was the Investigation Officer of this Case in the initial stage had proceeded towards the spot and has prepared an observation Mahazar. The IO also had recorded the confession statements in the presence of PW1 to PW8 witnesses. After completing the investigation, he had laid the final report before this Court.

3. Cognizance and Charges:-

3.1 Upon perusing the final report, this Court has taken cognizance of the offence and issued summons to all the three accused. On appearance of the accused, copies were furnished under Section 207 of the Code. Since, there were sufficient materials to proceed against the accused A1 and A2 and this Court has

framed charge under Section 441, 294(b), 352, 506 (ii) of IPC and for accused A3 this Court has framed charge under Section 109 of IPC. When the charges were read and explained to all the three accused, they had pleaded not guilty and claimed to be tried.

4. Trial:-

4.1 During the trial, on the side of the prosecution, the PW1 to PW5 were examined, and Ex. P1 to Ex. P4 were marked.

5. Evidence of the Prosecution:-

The PW1 had deposed that the said iron rod was not recovered by the Police. The PW1 deposed that the rod was taken out by the accused and again it was kept inside the Bolero. The PW2 and PW3 does not inspire much confidence. The PW4 had deposed that the abuses mentioned in the complaint and the abuses stated before the police were not the same. The PW5 had deposed that the alleged incident has taken place at a dry land and not near the windmill. The IO of this Case who was examined as PW5 does not inspire much confidence.

6. Compliance under Section 313 of the Code:-

6.1 After the completion of the Prosecution witnesses, when the incriminating circumstances were put to all the three accused in terms of Section 313 (1) (b) of the Code, they denied the circumstance as false. However, they did not adduce any defence evidence on his side.

7. Points for Consideration:-

1. Whether on the alleged date, time and place the accused A1 and A2 had committed the alleged offence?
2. Whether the prosecution has proved the guilt against the accused A1 and A2 beyond reasonable doubts?
3. Acquittal or conviction, if any?

8. Discussions:-

(a) For avoiding the repetition of evidence and to avoid the overburdening of Court records all the points are being analyzed and determined simultaneously. As per Sec 102 of the Indian Evidence Act, 1872, the onus of proving these points is on the prosecution. Due to the cardinal principle of criminal jurisprudence viz, the presumption of innocence, the prosecution must prove the guilt of the accused beyond any reasonable doubt.

(b) Though Sec 60 of Indian Evidence Act, 1972 emphasize upon the trustworthiness of the eyewitnesses, in this case it is not wholly reliable. The witnesses PW1 who is said to be the complainant in this case do not inspire much confidence to this Court. On conjoint reading of the evidence of PW1 to PW5, this Court is of the opinion that the entire case of the complainant is filled up with embellishment.

(c) *The above facts would create serious doubt over the prosecution case. The above facts would show that the Investigation Officer has categorically failed to collect the important evidence to support the prosecution case.*

This Court has relied on the following decisions of the Hon'ble Supreme Court before arriving at a conclusion.

(d) In *Chand Khan Vs State of UP AIR 19995 SC 2140*, it was held that “The failure by the Investigating Officer to collect evidence during the investigation may entitle the Court to hold the investigation to be perfunctory or tainted affecting the entire trial. But in case of failure of the police to produce the evidence collected during the investigation, the Court can draw an inference in accordance with Section 114 illustration (g) of the Evidence Act.

(e) This Court is of the opinion that all the direct and ocular evidences does not inspire much confidence and their contradictory depositions were the foolproof of the same.

(f) Having regard to the facts and circumstances of the case, I am of the considered view that the Prosecution has miserably failed to prove the case against the accused. From the cumulative effect of the discussions made above, I do not find the Accused guilty. Accordingly, the point is answered in negative.

(g) The role of a witness is paramount in the cardinal justice system of any country.

(h) By deposing in a case, they assist the Court in discovering the truth. But the witnesses turning hostile is a common thing happening in the criminal justice system. The whole Case of the prosecution can fall only on a false statement of the witness. The result is that more and more citizens are losing faith in the effectiveness of the system in Providing justice to the victims. As long as the

witnesses continue to go hostile and do not make truthful depositions in Court, justice will always suffer and People's faith in efficacy and credibility of judicial process will continue to be eroded and shattered.

According to Bentham, "witnesses are the eyes and ears of justice".

(i) In the words of Hon'ble Justice Wadhwa "A criminal case is built on the edifice of evidence, evidence that is admissible in law. For that witnesses are required to be classified that whether it is direct evidence or circumstantial evidence."

(j) Witnesses are the key to the case. But what happens when these witnesses turn hostile or retract from their statement. Hence, the importance and primacy of the quality of trial process if the witness himself is incapacitated from acting as eyes and ears of justice. The trial gets paralyzed and it no longer can constitute a fair trial.

(k) An injured witness is one who had suffered an injury because of her presence at the place of incidence. In ***Abdul Saeed Vs State of Madhyapradesh***, The Hon'ble Supreme Court while dealing with the evidentiary value of the injured witness has held that:

"Where witness to occurrence was himself injured in the incident, testimony of such witnesses is generally considered to be reliable as he is a witness who comes with an inbuilt guarantee of his presence at the scene of the crime and is unlikely to spare his actual assailant in order to falsely implicate someone."

(l) The Hon'ble Supreme Court has further held that deposition of the injured witness should be relied upon unless there are strong grounds for the rejection of his evidence on the basis of major contradictions and discrepancies therein. Thus, the special evidentiary status is accorded to the testimony of the injured witness.

(m) On the basis of the relevant facts this Court is of the considered view as follows: The PW1 to PW5 were inconsistent. The investigating officer had totally failed in his investigation and chargesheet laid by him does not have even the basic particulars of the said offence. There is no unrebutted testimony from any of the ocular witnesses who were present at the scene of occurrence.

(n) It is the quality and not the quantity, which determines the adequacy of evidence which has been provided by Section 134 of the Evidence Act. Even an evidence of a sole witness can be relied upon.

9. Result:-

In fine, the accused A1, A2 having been found not guilty for the offences under Sections 294(b), 352, 441, 506 (ii) of IPC and the accused A3 having been not found guilty for the offence under Section 109 of IPC and are hereby acquitted and set at liberty under Section 248 (1) of the Code. There is no case property connected to this Case.

This Judgment was prepared by me in my official Laptop at my official chamber directly, corrected by me and pronounced by me in the Open Court on this the 22nd day of August 2026.

**District Munsif cum Judicial Magistrate
Ottapidaram**

Appendix as per the direction of the Hon'ble Supreme Court of India in Monojbhai Jethabhai Parmar (Rohit) Vs State of Gujarat.

1. Specimen Chart for Witnesses Examined

Prosecution Witness No.	Name of Witness	Description
PW1	Thiru.Paramasivan, S/o.Laskshmanan	Complainant
PW2	Thiru.Suresh, S/o.Janarthanan	Eye witness
PW3	Thiru.Kumaravel, S/o.Maruthaiya	Mahazar witness
PW4	Thiru.Ganesan	Duty Officer
PW5	Thiru.Velladurai	Investigation Officer

2. Specimen Chart for Exhibited Documents

Exhibit No	Description of the Exhibit	Proved by/ Attested by
Ex. P1	Signature of the Complaint	PW1
Ex. P2	1 st Signature of the Observation Mahazar	PW3
Ex. P3	First Information Report	PW4
Ex. P4	Rough Sketch	PW4

3. Specimen Chart for Material Objects

Material Object No	Description of the Exhibit	Proved by/ Attested by
Nil	Nil	Nil

Defense Witnesses: Nil

Defense Documents: Nil

**District Munsif cum Judicial Magistrate
Ottapidaram**

Particulars Under Rule 106 of Criminal Rules of Practice, 2019

1	Name of the Police Station and Crime Number of the offence	Puliyampatti Police Station Crime Number : 17/2021
2	Description of the Accused Name: Father's Name: Occupation: Residence: Age:	A1. Balakrishnan, (Age 46/2021), S/o.Kanthasamy, 6/44, East Street, Kasilingapuram, Thoothukudi. A2. Pattu @ Pattukani, (Age 44/2021), S/o.Vettumperumal, 7/118, North Street, Keezha Sekkarakkudi, Srivaikudam Taluk, Thoothukudi District. A3. Lakshmanaperumal, (Age 47/2021), S/o.Irunkolapillai, 7/116, North Street, Keezhachekkarakudi, Srivaikundam Taluk, Thoothukudi District.
3	Date of Occurrence	15.03.2021
4	Date of Complaint	15.03.2021
5	Date of Apprehension	21.12.2021
6	Date of release on Bail	--
7	Date of Committal	Not applicable
8	Date of commencement of trial	21.12.2021
9	Date of closure of trial	22.08.2026
10	Date of sentence of order	22.08.2026

11	Date of service of copy of Judgment or finding on accused	No applicable
12	Explanation of delay	No delay

Note:

1. Accused was in bail at the time of trial.
2. None of the witnesses were detained beyond three hearings.
3. Result of the case was intimated to the concerned police.

/True Copy/

District Munsif cum Judicial Magistrate
Ottapidaram