

IN THE COURT OF THE JUDICIAL MAGISTRATE III, TIRUPATHUR,
TIRUPATHUR DISTRICT

Present: Tr. S. Kovendhan, B.A., LL.B., (Hons.)

Judicial Magistrate III (FAC), Tirupathur

Thursday the 02nd day of July 2026

C.C. No. 2 of 2022

{CNR No. TNTU02-000062-2022}

State rep by.

The Inspector of Police,
GRP Jolarpet Railway Police Station,
Crime No. 126/2021

.... Complainant

--Vs--

Sabeer (Kooga) (Age. 35) S/o. Ikbali

.... Accused

CASE SUMMARY

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case (C.C.) No. 2 of 2022
2.	Name of the Police Station and Crime Number	The Inspector of Police, GRP Jolarpet Railway Police Station, Crime No.126 of 2021 ...Complainant
3.	Name of the Accused	Sabeer (Kooga) ...Accused
4.	Father's name	Ikbali
5.	Occupation	--
6.	Residence	(Residing at No.52, Aathumedu, Aadha School Street, Vaniyambadi Taluk, Tirupathur District.)
7.	Age	35
8.	Date of Occurrence	13.12.2021
9.	Date of Complaint	13.12.2021
10.	Date of chargesheet and Date of which chargesheet was filed into Court	Date of Charge sheet: 27.12.2021 Date of filing of Charge sheet in Court: 05.01.2022

11.	Date of Apprehension	13.12.2021-07.01.2022,21.03.2023-02.06.2023, 18.12.2025 to till date
12.	Date of Release on bail	--
13.	Date of Commitment	Not Applicable
14.	Date of Commencement of Trial (The date of furnishing of documents u/s.207, Cr.P.C.)	16.08.2022
15.	Charge framed against the accused u/s. 240(1) of the Code	22.08.2022
16.	Closure of Trial	02.07.2026
17.	Date of examination of the accused U/s. 313 of the code	24.06.2026
18.	Sentence or Order	In light of the discussion and conclusions drawn under the previous head, this Court holds that the prosecution HAS FAILED TO PROVE the charges against the accused beyond all reasonable doubts. Hence, the accused, SABEER (KOOGA) S/o. IKBAL is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 of Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973.
19.	Service of copy of judgement or finding on accused	Copy of the judgment was uploaded on CIS and made available for viewing on E-Courts portal.
20.	Explanation of delay	The delay was occasioned due to the delay in production of witnesses by the prosecution.
21.	Property order u/s.452 of the Code of Criminal Procedure, 1973	Case property in C.P.No.201/2021 dated 17.12.2021 i.e., 1.Rs. 500/- cash (Sl.No.8GP233795), in custody of the court to be given to the de-facto complainant/owner of property in accordance with law.
22.	Counsel for the Complainant	Mrs.Usha , Assistant Public Prosecutor Grade-II
23.	Counsel for Accused	Mr.D. Krishnan , Advocate

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| 24. | <i>Paragraphs in the judgement assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and others (2023 Live Law SC 303)</i> |
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This case came up for final hearing before me on **02.07.2026** in the presence of **Mr.D. Krishnan, B.A., B.L.**, learned counsel for the accused and the learned Assistant Public Prosecutor, **Mrs.Usha** for the State. Having heard both sides, perused the records and having stood over it for consideration, this Court on **02.07.2026** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

1. The first informant in this case is Mr. Chinnasami, S/o. Kusalandi. The prosecution case is that, the de facto complainant was engaged in selling tiffin at Jolarpettai Railway Station. On 13.12.2021, at about 10:30 a.m., while he was serving tiffin to a railway passenger at the northern end of Platform No. 1 of Jolarpettai Railway Station, the accused, with the intention of causing wrongful loss to the complainant and obtaining wrongful gain for himself, allegedly stolen a sum of Rs.500/- from the shirt pocket of the complainant.
2. Based on the complaint lodged by the de-facto complainant, a First Information Report in Crime No. 126 of 2021 under Section 379 of the Indian Penal Code was registered against unknown accused persons for the offence punishable under Section 379 of the Indian Penal Code, 1860, at Jolarpet Railway Police Station. The accused was arrested in connection with this case on 13.12.2021.
3. At the completion of investigation in the case, Final Report dated 27.12.2021 was laid out against the accused, Sabeer (Kooga) (Age. 34) S/o. Ikbai for the offences u/s.379 of the Indian Penal Code, 1860.

II. THE CHARGE AND PLEA OF ACCUSED

4. Upon service of the summons u/s.204 of the Code of Criminal Procedure, 1973 (“Code”) and appearance of the accused; copies of the final report and documents were given to the accused in compliance with section 207 of the Code on 16.08.2022.
5. Thereafter, the charge for the offences u/s. 379 of the Indian Penal Code, 1860 was read out and explained to the accused as per section 240(1) of the Code. When the accused was questioned on the charge, he pleaded not guilty and claimed to be tried. The plea of the accused was recorded and case was posted for trial in accordance with section 242(1) of the Code.

III. EVIDENCE ADDUCED BY THE PROSECUTION

6. In order to prove the charge against the accused, the prosecution examined witnesses, P.W.1 to P.W.4. Exhibits P.1 to P.13 and M.O.I was marked on behalf of the prosecution.
7. P.W.1 is the first informant in the case. P.W.2 and P.W.3 are witnesses to the confession statement of the accused and seizure mahazar in the case. P.W.4 is a police officer examined as an additional witness in this case. He has deposed regarding the investigation conducted and the procedural steps taken by the Investigating Officer during the course of the investigation.

IV. QUESTIONING u/s.313(1)(b) OF Cr. P.C., 1973

8. The circumstances appearing in the evidence against the accused was put to him and his answer was elicited. The accused replied that the case against him is false. The accused further stated that there are no defence witnesses and evidence.

V. ARGUMENTS ADVANCED

9. The prosecution did not place any oral arguments. The defence submitted that the

prosecution story is false and that they failed to prove the charges against the accused beyond all reasonable doubt. The defence prayed for acquittal of the accused.

VI. POINT FOR DETERMINATION

10. Whether the prosecution has proved beyond all reasonable doubts that the accused has committed the offences charged against him?

VII. APPRECIATION OF EVIDENCE AND FACTS

11. As per the prosecution, on 13.12.2021 at about 10:30 a.m., the accused had committed theft of Rs. 500/- owned by the defac -complainant. Hence, the prosecution charged the accused of the offences u/s.379 of the Indian Penal Code, 1860.

12. A glance at the evidence of the prosecution witnesses will reveal that none of the witnesses have witnessed first-hand the act of theft by the accused. Hence, it can be perceived that the case is based on circumstantial evidence/indirect evidence.

13. In State of *Uttar Pradesh vs. Dr.R.P.Mittal (1992 3 SCC 300)*, the essential ingredients to prove the guilt by circumstantial evidence were spelt by the Hon'ble Supreme Court of India as follows:

- i.** Circumstances from which conclusion is drawn should be fully proved.
- ii.** Circumstances should be conclusive.
- iii.** All facts so established should be consistent only with the hypothesis of guilt and inconsistent with innocence of the accused.
- iv.** Circumstances should exclude the possibility of guilt of a person other than the accused.

14. Therefore, in this background, this Court has to examine whether the prosecution

through its witnesses has proved the circumstances leading only to the guilt of the accused.

● **With respect to the evidence of P.W.1**

15.P.W.1, Mr. Chinnasami S/o. Kusalan is the first informant/alleged victim in the occurrence. P.W.1 deposed that he did not remember the month, but in the year 2021, on the 13th day, while he was selling tiffin on the platform at Jolarpettai Railway Station, an unknown person took Rs.500/- from his pocket and ran away. He further deposed that he did not see the person who had stolen the money. Thereafter, he lodged a complaint with the Jolarpettai Railway Police Station and the same is marked as Ex. P1. Subsequently, he came to know about the identity of the person who had stolen his money based on the information furnished by the police. He also identified the sum of Rs.500/-, shown to him in the photograph as the case property, as belonging to him, and the same was marked as M.O.1

16. During his evidence P.W.1 didn't stated any information regarding the identity of the accused. Hence his evidence didn't incriminate the accused with the alleged theft.

● **With respect to the alleged recovery of the case property in the case**

17.The major incriminating circumstance relied upon by the prosecution in the case is the alleged recovery of the case property based on the confession statement of the accused. In this context, the evidence of witnesses, P.W.2 and P.W.3 assume great significance. Before moving to the evidence of P.W.2 and 3, it is important to see what P.W.4/Investigation Officer has to say about the arrest of the accused, alleged confession statement of the accused and recovery of the case property from him.

18.P.W.4, Mr.Muthukrishnan S/o. Mani is a police officer examined as an additional

witness in this case. He has deposed regarding the investigation conducted and the procedural steps taken by the Investigating Officers Mr. Sridhar and Mrs.Elavarasi during the course of the investigation. With respect to the arrest of the accused and alleged recovery of the case property from him, the evidence of P.W.4 is as follows:

"பின்னர், 13.12.2021 அன்று மதியம் 12.15 மணிக்கு ஜோலார்பேட்டை இருப்பு பாதை நடை மேடை எண். 1 வடக்கு பகுதியில் இருந்த ஒரு நபரை சந்தேகத்தின் பேரில் பிடித்து விசாரணை செய்ய அவர் முண்ணுக்கு பின் முரணாக அளித்த தகவலின் அடிப்படையில், சாட்சிகள் திரு. திருப்பதி மற்றும் திரு. சரவணன் ஆகியோர் முன்னிலையில் எதிரி சபீர் (கூகா) தானாக முன்வந்து கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில் எதிரி சபீர் (கூகா) இவ்வழக்கில் ஈடுபட்டது தெரியவந்தது. (எதிரி கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அனுமதிக்கப்பட்ட பகுதி என்னால் அ.சா.ஆ 11 ஆக குறியீடு செய்யப்படுகிறது.) பின்னர், எதிரியை அன்றைய தினம் 14.15 மணிக்கு காரணம் கூறி கைது செய்து காவல் நிலையம் அழைத்து வந்து மேற்படி அதே சாட்சிகள் முன்னிலையில் எதிரி தானாக எடுத்து ஆஜர் செய்த ரூபாய் 500/- ஐ 14.15 மணிக்கு கைப்பற்றுதல் மகசூர் மூலம் கைப்பற்றியுள்ளார் (அந்த கைப்பற்றுதல் மகசூர் அ.சா.ஆ 12 ஆக குறியீடு செய்யப்படுகிறது.) பின்னர் கைப்பற்றப்பட்ட வழக்கு சொத்தினை படிவம் - 91 மூலம் நீதிமன்றத்திற்கு அனுப்பி வைத்துள்ளார். (அந்த படிவம் - 91 அ.சா.ஆ. 13 ஆக குறியீடு செய்யப்படுகிறது). பின்னர், கைது செய்யப்பட்ட எதிரியை உரிய திரேக பரிசோதனை செய்து நீதிமன்ற காவலுக்கு உட்படுத்தியுள்ளார் "

19.The admissible portion of the confession statement of the accused is marked as exhibit P.11, Seizure Mahazar marked as Exb.P12 and the Form - 91 is marked as exhibit P.13.

20.As per P.W.4, on 13.12.2021 at about 14.15 Hrs, the case properties were recovered from the accused in the police station, in the presence of witnesses, Triupathi and Saravanan.

● **With respect to the evidence of P.W.2 and P.W.3**

21.P.W.2, Mr.Saravanan S/o. Veerappan and P.W.3, Mr. Thirupathi S/o. Munisami are the alleged witnesses to the confession statement of accused and seizure mahazar in the case. P.W.2 identified the accused in the dock and deposed that, during the year 2022, while the P.W.2 was carrying on his business on Platform No. 1 at Jolarpettai Railway Station, the police were interrogating the accused present before the Court. The witness identified the 2nd signature found in the Observation Mahazar is marked as Ex. P2 and 2nd signature found in the confession statement of the accused as Ex. P3. P.W.2 further stated that the police took the accused to the police station for further interrogation. Thereafter, the accused produced a mobile phone and a tab, which were seized by the police under a Seizure Mahazar and 2nd signature found in the Seizure Mahazar is marked as Ex. P4.

22. P.W.3 deposed that he did not know the accused and stated that about 4 to 5 years ago, while he was carrying business at Jolarpettai Railway Station, he signed the 1st signature found in the Observation Mahazar and the same was marked as Ex.P5 and 1st signature found in the confession statement of the accused and the Seizure Mahazar are marked as Exs.P6 and P7 respectively and further stated that he had no knowledge about the present case.Hence, his evidence is not useful to the prosecution case.

23.Even though P.W.2 (Confession Statement and Seizure Mahazar witnesses) had identified the accused and stated about the alleged recovery of case property from the accused, he did not state that accused gave the alleged confession statement voluntarily. Hence, the admissibility of the alleged confession statement becomes questionable. Moreover, P.W.2 did not identify or describe the case properties alleged to have been seized in this case. Hence, the evidence of the Investigation Officer/P.W.4 is not corroborated with the evidence of P.W.2 and P.W.3.

24.The contradictory evidence of witnesses P.W.2, P.W.3 with Investigation officer/P.W.4 create a suspicion over the alleged recovery of the case property from the accused. Hence, Recovery of case property based upon the confession statement given by the accused is not proved through the prosecution side witnesses.

25.Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, P.W.2 and P.W.3, this Court is of the view that it is not proved beyond all reasonable doubts that the case properties were recovered from the accused herein on 13.12.2021 at 14:15 Hrs in the manner alleged by the prosecution. As the Prosecution had failed to link the Chain of Circumstances, proving the guilt of the accused, the involvement of the accused in the occurrence on 13.12.2021, remains Doubtful. As per Principles of Natural Justice, Benefit of Doubt should be given to the accused.

VIII. THE DECISION

26.In light of the discussion and conclusions drawn under the previous head, this Court holds that the prosecution HAS FAILED TO PROVE the charges against the accused beyond all reasonable doubts. **Hence, the accused, Sabeer (Kooga) S/o. Ikbāl is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 of**

Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973.

IX. PROPERTY ORDER u/s. 452 OF THE CODE

27.Case property in **C.P.No.201/2021 dated 17.12.2021** i.e., 1. Rs. 500/- cash (Sl.No.8GP233795), in custody of the court to be given to the de-facto complainant/owner of property in accordance with law.

X. BOND u/s.437-A OF THE CODE OF CRIMINAL PROCEDURE, 1973

28.The accused shall furnish an own bond for a sum of Rs.10,000/- in accordance with section 437A of the Code of Criminal Procedure, 1973 to appear before the Higher Court as and when such Court issues notice in respect of any appeal or petition against the judgment. The bond shall remain in force for six months from the date of its execution.

Directly typed by me on my personal laptop, corrected and pronounced by me in Open Court on this 02nd day of July, 2026.

**Judicial Magistrate No. III (FAC),
Tirupathur.**

LIST OF EVIDENCE

(As per Rule 107(1) of Criminal Rules of Practice, 2019)

For Prosecution

Witnesses:

S.No.	Examined as	Name of Witness	Description of witness	Exhibits Marked
1.	P.W.1	Mr. Chinnasami S/o. Kusalan	First Informant	P.1, M.O. I
2.	P.W.2	Mr. Saravanan S/o. Veerappan	Confession and Seizure Mahazar Witness	P.2 to P.4
3.	P.W.3	Mr. Tirupathi S/o. Munisami	Confession and Seizure Mahazar Witness	P.5 to P.7
4.	P.W.4	Mr. Muthukrishnan S/o. Mani	Investigation Officer witness	P.8 to P.13

Documents:

S.No.	Exhibits	By whom marked	Date	Description of Document
1.	P.1	P.W.1	18.02.2026	Complaint
2.	P.2	P.W.2	16.03.2026	2 nd witness signature at observation mahazar
3.	P.3	P.W.2	16.03.2026	2 nd Signature at confession statement of the accused
4.	P.4	P.W.2	16.03.2026	2 nd witness Signature at Seizure Mahazar
5.	P.5	P.W.3	16.03.2026	1 st witness signature at observation mahazar

6.	P.6	P.W.3	16.03.2026	1 st Signature at confession statement of the accused
7.	P.7	P.W.3	16.03.2026	1 st witness signature at Seizure Mahazar
8.	P.8	P.W.4	16.06.2026	First Information report in Cr.No. 126/2021
9.	P.9	P.W.4	16.06.2026	Observation Mahazar
10.	P.10	P.W.4	16.06.2026	Rough Sketch
11.	P.11	P.W.4	16.06.2026	Admissible portion of confession statement of accused
12.	P.12	P.W.4	16.06.2026	Seizure Mahazar
13.	P.13	P.W.4	16.06.2026	Form -91

Material Object

S.No.	Material Object	By whom marked	Date	Description of Material Object
1.	M.O -I	P.W.1	18.02.2026	Cash Rs.500/-

For Defense

Witnesses: Nil

Documents: Nil

Material Objects: Nil

Note:

- i. *No witness was retained more than three times.*
- ii. *The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*
- iii. *Since, the accused is in judicial custody a copy of judgment is sent to concerned prison through mail.*

**Judicial Magistrate No. III (FAC),
Tirupathur.**