



**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE,  
THIRUPATHUR, TIRUPATHUR DISTRICT.**

Present : **Selvi.M.K.Anusha, M.L.,**  
Chief Judicial Magistrate,  
Tirupathur.

Tuesday this the 10<sup>th</sup> day of March 2026  
Thiruvalluvar Aandu 2056, Shri Vishwavasu Varudam 26<sup>th</sup> day of Maasi Thingal.  
**C.C.No.33/2026**

**CNR.No.TNTU020004802026**

**(Old CC.No.22/2024 on the file of Judicial Magistrate III, Tirupathur)**

State Represented by  
The Inspector of Police,  
Alangayam Police Station

... Complainant.

Cr.No.189/2023  
U/s 379, 511, 511 IPC

// Versus //

A1. Elumalai S/o. Venkatesan.

A2. Prakasam S/o. Govindhasami.

A3. Selvam S/o. Markabanthu.

A4. Suresh S/o. Anandhan.

Accused.

1.	Serial Number	C.C.No.33/2026
2.	Name of the Police Station and the crime number of the offence.	Alangayam Police Station, Cr.No.189/2023
<b>Description of the A1</b>		
3.	Name.	A1. Elumalai



4.	Father's Name.	Venkatesan
5.	Occupation.	-
6.	Residence.	Kattayakollai Village, Maruthavallipalaiyam Post, Anaicut Taluk, Vellore.
7.	Age.	30
<b>Description of the A2</b>		
8.	Name.	A2. Prakasam
9.	Father's Name.	Govindhasami
10.	Occupation.	-
11.	Residence.	Vennathangal Village and Post, Anaicut Taluk, Vellore District.
12.	Age.	50
<b>Description of the A3</b>		
13.	Name.	A3. Selvam
14.	Father's Name.	Markabanthu
15.	Occupation.	-
16.	Residence.	No.64, Pudhur Village, Maruthuvallipalaiyam Post, Anaicut



		Taluk, Vellore.
17.	Age.	32
<b>Description of the A4</b>		
18.	Name.	A4. Suresh
19.	Father's Name.	Anandhan
20.	Occupation.	-
21.	Residence.	Anna Nagar, Maruthu Vallipalaiyam Village, Anaicut Taluk, Vellore District.
22.	Age.	32
<b>Date of</b>		
23.	Occurrence.	22.08.2023
24.	Complaint.	22.08.2023
25.	Apprehension.	22.08.2023
26.	Release on bail.	Court Bail.
27.	Commitment.	-NA-
28.	Commencement of trial.	05.03.2024
29.	Closure of trial.	06.03.2026



30.	Sentence or order.	-----		
31.	Service of copy of Judgment or finding on A2.	-NA-		
32.	Explanation for delay.	-		
Case Summary				
33.	Period of Remand.	-		
34.	Date of filing of charge sheet.	29.01.2024		
35.	Date of Questioning under Section 251 Cr.P.C.	15.03.2024		
36.	Miscellaneous Petition and their results :	-Nil-		
37.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	19.06.2025	19.06.2025
		PW.2	31.07.2025	31.07.2025
		PW.3	31.07.2025	31.07.2025
		PW. 4	14.11.2025	14.11.2025
		PW. 5	14.11.2025	14.11.2025
		PW. 6	17.11.2025	17.11.2025



		PW.7	17.11.2025	17.11.2025
		PW.8	06.03.2026	06.03.2026
38.	Date of examination of the Accused under section 313 Cr.P.C.	09.03.2026		
39.	Details of the absconder of the A2 and his appearance/ production.	-Nil-		
40	Grant of Stay by superior court and the result thereof.	-Nil-		

This case has been heard in the presence of Assistant Public Prosecutor representing the state and Tr.S.Senthil Velan, B.A.,B.L.,DPM., Counsel for the accused after hearing both side arguments and on perusing the entire materials on records and having stood over for my consideration till this date, this Court delivers the following,

### **JUDGMENT**

1. The Inspector of Police, Alangayam Police Station has laid the final report under section 173(2) of the Code of Criminal Procedure, 1973, (in short, 'the Code') as against the A1 to A4 alleging that on 22.08.2023 at about 04.00 A.M, the marginally noted A1 to A4 at the place of Thirtham Temple, Pond bank Temple in open space, Vinayagar Statute was attempted to taken away by A1 to A4 with dishonest intention to the defacto complainant. Thereby, A1 to A4 has committed the offence of attempt to



theft. The A1 to A4 are charged for the offences under section 379, 511 of IPC . Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur.

2. On receipt of the final report along with relevant documents the learned Judicial Magistrate No.III, Tirupathur has taken on the file in CC.No.22/2024 and posted the case for appearance of the A1 to A4.

3. Copies of the documents relied upon by the prosecution were furnished to the A1 to A4 u/s 207 Cr.P.C. A1 to A4 was questioned for the offense u/s 379, 511 IPC. He denied the offense and pleaded innocence. Thereafter, the above said case was transferred to this Court and new CC.No.33/2026 was assigned.

4. The prosecution has examined 08 witnesses and marked Ex.P.1 to Ex.P.10.

#### **5. Case of the Prosecution :-**

5.1. The case of the prosecution is that on 22.08.2023 at about 04.00 A.M, the marginally noted A1 to A4 at the place of Thirtham Temple, Pond bank Temple in open space, Vinayagar Statute was attempted to taken away by A1 to A4 with dishonest intention to the defacto complainant. Thereby, A1 to A4 has committed the offence of attempt to theft. The A1 to A4 are charged for the offences under section 379, 511 of IPC. Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur. PW.1, Chinnathambi has preferred a complaint in **Ex.P.1** against the A1 to A4 before the Police Station.



5.2. The LW.1 was examined as PW.1. He was cited as witnesses on the side of prosecution for purpose of speaking about attempt to commit Theft of Vinayagar Statute. The LW.2 / Santhosh and LW.3 / Ramu are eye witnesses to the incident.

5.3. The LW.4 / Kamaraj, LW.5 / Srinivasan, speaks about preparation of Observation Mahazar and Sketch by the investigation officer at the place of occurrence in their presence. LW.6 / Naveenkumar and LW.7 / Arul speaks about arrest of Accused, recording of confession statement, Seizure of Vinayagar Statute from Accused in their presence and remained as witnesses to the said documents.

5.4. LW.8 Tr.Jayasankar, was examined as PW.8 The Sub Inspector of Police has received the complaint and registered the case in Cr.No.189/2023, U/s 379, 511 of IPC. The First Information report is marked as **Ex.P.6**. He went to the place of occurrence in the presence of PW.2 Kamaraj and PW.5 Srinivasan has prepared the **Ex.P.8** Observation Mahazar and Sketch **Ex.P.9**. The case property seized in the presence of witnesses and confession statement was recorded in the presence of PW.6 and PW.7. Form-91 is marked as **Ex.P.7**. Admission of guilt portion in confession statement was marked as **Ex.P.10**. The confession statement was recorded in the presence of PW.6 and PW.7. The A1 to A4 was arrested and produced before Judicial Magistrate for Judicial custody. Charge sheet is filed by PW.8 under section 379, 511 of IPC as against A1 to A4.



6. After examination of the prosecution witnesses the A1 to A4 was examined u/s 313(l) (b) Cr.P.C with regard to the incriminating piece of evidence which appeared against him. The A1 to A4 has denied the same and stated that the prosecution evidence is false. Further he had stated that he had nothing to say in the case and the defense has not chosen to examine any defense witness.

7. After hearing the prosecution case, the point that arose for determination is that

***Whether the prosecution has proved the offences U/s. 379, 511 of IPC as against the A1 to A4 beyond all reasonable doubts?***

#### **8. Contention of the Prosecution :-**

The case of the prosecution is that on 22.08.2023 at about 04.00 A.M, the marginally noted A1 to A4 at the place of Thirtham Temple, Pond bank Temple in open space, Vinayagar Statute was attempted to taken away by A1 to A4 with dishonest intention to the defacto complainant. Thereby, A1 to A4 has committed the offence of attempt to theft. The A1 to A4 are charged for the offences under section 379, 511 of IPC . Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur.

#### **9. Contention of the Defense :-**

The learned counsel for the A1 to A4 would contend that the A1 to A4 was Innocent and never involved in the offense. Further none of the prosecution witnesses



identified the A1 to A4 and stated that the A1 to A4 has committed the offense and the evidence of the prosecution witness does not corroborate with each other hence for the said reason the Learned counsel for the A1 to A4 prays for the Acquittal of the A1 to A4.

**10. Discussion :-**

10.1. The PW.1 deposed that four persons holded Vinayagar Statute and on seeing the same he raised voice. The persons nearby caught-hold said four persons and car. Thereafter, the four persons with car and Vinayagar Statute was handed over to the Police Station. He further deposed that the four persons and car used by said four persons cannot be identified by him. Ex.P.1 is marked through him. It is significant to note that the four persons alleged to be involved in attempt of theft of Vinayagar Statute is not identified by the defacto complainant. The complaint also speaks that the attempt of theft of Vinayagar Statute is made only for purpose of worshiping the deity in their temple at their Village as it is considered auspicious, prosperous. The material object is Vinayagar Statute and the same is not recovered from the accused nor produced before the Court. The persons alleged to be involved are not identified by the defacto complainant. So, the evidence of PW.1 and Ex.P.1 are not sufficient to establish and prove the guilt as against the A1 to A4. The evidence of PW.1 is not supportive to the case of prosecution.



10.2. The PW.2 and PW.4 are alleged as eye witnesses on the side of prosecution. They both expressed that they forgot the incident. So, the substantive evidence and eye witnesses are not sufficient to prove the case of prosecution.

10.3. The PW.3, PW.5, PW.6 and PW.7 are expressed ignorance about the occurrence. So, the evidence are not sufficient to prove the occurrence.

10.4. The PW.8 is an Investigation Officer. He deposed that the confession statement was recorded from A1. The First Information Report is found to be blank regarding theft property. The statute is not sent for assessment by the expert. It is to be noted that Form-91 speaks about handing over the Vinayagar Statute to the priest. It is also admitted that the investigation officer is not empower to hand over the case property directly to the defacto complainant without the order of the Court. On analyzing said evidence the investigation officer did not lighted case property or property of Vinayagar Statute before the Court. When the property involved in theft is not produced before the Court then the offence of commission of theft or attempt to commit theft is not substantiated by the prosecution. The evidence of PW.8 is not supportive to the case of prosecution.

10.5. The confession statement would show that there are two witnesses and the evidence of said witnesses disowned its recording in their presence. The Form-91 would show that there was correction and Maruthi car alone produced before the Court. On all



aspects the prosecution fails to prove the case. The ingredients contemplated under section 379, 511 of IPC are not made out.

11. Hence, this court on the above stated facts and circumstance of the case come to the conclusion that the prosecution has not proved its case against the A1 to A4. The A1 to A4 are entitled for acquittal for the charges under section 379, 511 of IPC.

12. For the reasons stated above the point is decided accordingly.

### Result

*In the Result prosecution fails to prove the charges as against the A1 U/s. 379 of IPC beyond all reasonable doubts and A1 is found not guilty for the offences charged u/s 379 of IPC, prosecution fails to prove the charges as against the A1 U/s. 511 of IPC beyond all reasonable doubts and A1 is found not guilty for the offences charged u/s 511 of IPC. prosecution fails to prove the charges as against the A2 U/s. 379 of IPC beyond all reasonable doubts and A2 is found not guilty for the offences charged u/s 379 of IPC, prosecution fails to prove the charges as against the A2 U/s. 511 of IPC beyond all reasonable doubts and A2 is found not guilty for the offences charged u/s 511 of IPC. prosecution fails to prove the charges as against the A3 U/s. 379 of IPC beyond all reasonable doubts and A3 is found not guilty for the offences charged u/s 379 of IPC, prosecution fails to prove the charges as against the A3 U/s. 511 of IPC beyond all reasonable doubts and A3 is found not guilty for the offences charged u/s 511 of IPC. prosecution fails to prove the charges as against the A4 U/s. 379 of IPC beyond all reasonable doubts and A4 is found not guilty for the offences charged u/s 379 of IPC, prosecution fails to prove the charges as against the A4 U/s.*



*511 of IPC beyond all reasonable doubts and A4 is found not guilty for the offences charged u/s 511 of IPC. Hence A1 to A4 are acquitted as per section 248(1) Cr.P.C.*

*The bond executed shall stands cancelled.*

*The case property bearing Reg.No. TN 25 AZ 3899 Maruthi Swift car (Red colour) was received in CP.No.241/2023 on the file of Judicial Magistrate No.III, Tirupathur. The case property was handed over to the owner Mr.Gopi S/o.Rathakrishnan as per the order dated 20.09.2023 as interim custody by Judicial Magistrate No.III, Tirupathur. The case property is ordered to be retained till the lapse of appeal period and shall be retained by the petitioner / Gopi after the lapse of appeal period. The bond executed by the owner and sureties shall stands cancelled after the lapse of appeal period.*

Dictated by me to the Typist directly and computerized by his directly, corrected and pronounced by me in open Court on 10<sup>th</sup> day of March 2026.

**M.K.Anusha,**  
Chief Judicial Magistrate,  
Tirupathur.

**1.Prosecution side witness :-**

1. PW.1 Chinnathambi.
2. PW.2 Kamaraj.
3. PW.3 Ramu.
4. PW.4 Santhosh.
5. PW.5 Srinivasan.
6. PW.6 Naveenkumar.



7. PW.7 Arul.
8. PW.8 Tr.Jayasankar, Sub Inspector of Police.

**2. Prosecution side exhibits :-**

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	22.08.2023	Complaint.
2.	Ex.P.2	22.08.2023	1 <sup>st</sup> signature of the Observation Mahazar.
3.	Ex.P.3	22.08.2023	2 <sup>nd</sup> signature of the Observation Mahazar.
4.	Ex.P.4	22.08.2023	1 <sup>st</sup> signature of the Confession Statement.
5.	Ex.P.5	22.08.2023	2 <sup>nd</sup> signature of the Confession Statement.
6.	Ex.P.6	22.08.2023	First Information Report.
7.	Ex.P.7	22.08.2023	Form-91.
8.	Ex.P.8	22.08.2023	Observation Mahazar.
9.	Ex.P.9	22.08.2023	Rough Sketch.
10.	Ex.P.10	22.08.2023	Admission of guilt portion in confession statement.

**Material Objects:-**

M.O.No.1 – Photos (7 No's)

M.O.No.2 – Compact Disk.

**Defense side witness and Exhibits:- Nil**

**No witness detained more than 3 times**

Dated at Tirupathur Taluk and District this the 10<sup>th</sup> day of March 2026.

**M.K.Anusha,**  
Chief Judicial Magistrate,  
Tirupathur.