

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

Tuesday the 10th day of March 2026

C.C. No. 27 of 2018

{ CNR No.TNTU02-000594-2018 }

State rep by.

The Inspector of Police,

GRP Jolarpet Police Station,

Crime No. 190 / 2017

....Complainant

--Vs--

Meganathan (Age. 33) S/o. Samu

(Residing at No.4/143,Chinnavepampattu,

Korlivattam,

Vaniyambadi Taluk,

Tirupathur District.)

....Accused

CASE SUMMARY

| S. No. | PARTICULARS | DETAILS |
|-------------------|---|------------------------|
| 1 | Period of remand of the accused | 22.01.2018- 28.02.2018 |
| 2 | Date of filling of final report | 07.04.2018 |
| 3 | Date of 1 st Questioning | 11.05.2018 |
| 4 | Miscellaneous petitions and their results | - |

| 5 | Date of Examination in chief and cross examination of a witness | S. No. | PW's | Chief | Cross |
|---|---|------------|------------------------------------|------------|------------|
| | | 1) | Tr. Venkatesan S/o. Kulasekaran | 21.12.2023 | 21.12.2023 |
| | | 2) | Tr. Jayakumar S/o. Subiramani | 21.12.2023 | 21.12.2023 |
| | | 3) | Tr. Palani S/o. Munisamy | 11.01.2024 | 11.01.2024 |
| | | 4) | Tr. Shanmugam S/o. Mani | 11.01.2024 | 11.01.2024 |
| | | 5) | Tmt. Jayanthi W/o. Kiran Kumar | 24.02.2026 | 24.02.2026 |
| 6 | Date of examination of accused U/S. 313 Cr.P.C | 26.02.2026 | | | |
| 7 | Details of abscondence of the accused and his appearance | Nil | | | |
| 8 | Grant of stay by Superior court and results thereof | Nil | | | |

This case came up for final hearing before me on 10.03.2026 in the presence of **Mr.G. Loganathan, Advocate** the 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 10.03.2026 delivers the following,

JUDGMENT

- 1) This case arose out of charge sheet laid by the Inspector of Police, GRP Jolarpet Police Station.

2) CASE OF THE PROSECUTION

2.1) The first informant in the case is Mr.Venkadesan S/o. Gunasekaran. The case of the prosecution is that, on 09.08.2017 at about 03:00 AM, when the complainant was travelling in Alapuzha Express (22640) at S7 coach in Seat no.50 who placed his Moto Power mobile in charger and was in deep sleep, accused herein committed theft of that mobile.

2.2) Based on the online first information lodged by the first informant, First Information Report in Crime No.190 of 2017 dated 02.09.2017 was registered against unknown accused for the offences u/s.379 of the Indian Penal Code, 1860. The accused was arrested in this case on 21.01.2018.

2.3) At the completion of investigation in the case, Final Report dated 26.02.2018 was laid out against the accused, Meganathan S/o. Samu for the offences u/s.379 of the Indian Penal Code, 1860.

3) THE CHARGE AND PLEA OF ACCUSED

3.1) 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.

3.2) 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.

4) EVIDENCE ADDUCED BY THE PROSECUTION

4.1) In order to prove the charge against the accused, the prosecution examined witnesses, P.W.1 to P.W.5. Exhibits P.1 to P.9 were marked on behalf of the prosecution.

4.2) P.W.1 is the first informant in the case. P.W.2 is hearsay witnesses to the occurrence. P.W.3 and P.W.4 are witness to the confession statement of the accused and seizure mahazar in the case. P.W.5 is the police officer who is one of the Investigation Officer in the case and filed Final Report against accused.

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

5.1) 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.

6) ARGUMENTS ADVANCED

6.1) 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.

7) POINT FOR DETERMINATION

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

8) APPRECIATION OF EVIDENCE AND FACTS

8.1) As per the prosecution, on 09.08.2017 at about 03:00 AM, the accused had committed theft of Moto Power Mobile owned by the complainant travelling in the Alaphey Express. Hence, the prosecution charged the accused of the offences u/s.379 of the Indian Penal Code, 1860.

8.2) 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.

8.3) 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.

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.

9) With respect to the evidence of P.W.1

9.1) P.W.1, Mr.Venkadesan S/o. Gunasekaran is the first informant/alleged victim in the occurrence. P.W.1 states that on 09.08.2017 he started his travel in Alappey Express with his friend Jeyakumar. He placed his Mobile in charger and was in a deep sleep. At around 3.30 AM when his friend woke up him near Katpadi Railway station, he realized his Mobile was missing. He continued his travel to Chennai and lodged a online complaint. P.W.1 admits the Online complaint and the same is marked as exhibit P.1.

9.2) P.W.1 further states that, after few months, the Police called him to the police station by stating that they have recovered his mobile. He identified the mobile in the photograph as his and the photograph is marked as Ex.P.2.

9.3) P.W.1 during his cross examination had stated that he does not directly know the person responsible for the theft. **Hence, the evidence of P.W.1 is not helpful to the prosecution in establishing the involvement of the accused in the occurrence.**

10) *With respect to the evidence of P.W.2*

10.1) P.W.2, Mr.Jeyakumar S/o. Subramani is co-passenger travelled along with PW1. He reiterated the Scene as stated by P.W.1. He also stated in his Cross-examination that that he does not directly know the person responsible for the theft. The evidence of P.W.2 is not of any use to the prosecution.

11)*With respect to the alleged recovery of the case property in the case*

11.1) 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.3 to P.W.5 assume great significance. Before moving to the evidence of P.W.3 and P.W.4, it is important to see what P.W.5/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.

11.2) P.W.5, Mr.Jayanthi D/o. Kirankumar is the Investigation Officer in the

case. With respect to the arrest of the accused and alleged recovery of the case property from him, the evidence of P.W.5 is as follows:

" பின்னர் 21.01.2018 அன்று காலை 06.05 மணிக்கு ஜோலார்பேட்டை இருப்புப்பாதை நடை மேடை எண். 1 அருகே கண்காணிப்பு பணியில் இருந்தபோது. இவ்வழக்கின் எதிரியை பிடித்து விசாரித்தில் அவர் முண்ணுக்கு பின் முரணாக பதிலளித்ததால் அவர் இவ்வழக்கில் ஈடுபட்டது தெரியவந்தது. பின்னர் 06.45 முதல் 07.45 மணிவரை சாட்சிகள் சண்முகம் மற்றும் பழனி ஆகியோர் முன்னிலையில் எதிரி மேகநாதன் தானாக முன்வந்து கொடுத்த ஒப்புதல் வாக்குமூலத்தை பதிவு செய்தேன். (அந்த ஒப்புதல் வாக்குமூலத்தில் அனுமதிக்கப்பட்ட பகுதி மட்டும் அ.சா.ஆ 8 ஆக குறியீடு செய்யப்படுகிறது) பின்னர் எதிரி காலை 10.00 மணியளவில், இவ்வழக்கின் எதிரி அவரது வீட்டின் முன்பு இருந்து எடுத்து ஆஜர் செய்த வழக்கு சொத்தான Moto Power Black Colour செல்போன் கைப்பற்றப்பட்டு கைப்பற்றுதல் மகசர் தயார் செய்தேன். (அந்த கைப்பந்ததல் மகசர் அ.சா ஆ. 9 ஆக குறியீடு செய்யப்படுகிறது)."

11.3) The admissible portion of the confession statement of the accused is marked as exhibit P.8 and the seizure mahazar is marked as exhibit P.9.

11.4) As per P.W.5, on 21.01.2018 at about 10:00 AM, the case properties were

recovered from the accused in front of his House, in the presence of witnesses, Shanmgam and Pazhani.

12) With respect to the evidence of P.W.3 and P.W.4

12.1) P.W.3, Mr.Pazhani S/o. Munusamy and P.W.4, Mr.Shanmugam S/o. Mani are the alleged witnesses to the confession statement of accused and seizure mahazar in the case.They both didn't identified the accused in the dock. In their chief-examination, they deposed similarly as On 2018 one fine morning at Platform No.1 of Jolarpet Railway station, police were enquired two persons and Seized a Laptop and Mobile phone from them. For which they had signed as witnesses.

12.3) Even though the P.W.3 and P.W.4 (Confession Statement and Seizure Mahazar witnesses) had admitted their signature in the respective Documents, they neither identified the accused in their Dock examination nor Stated that the Confession Statement and Recovery was made from the accused.

12.4) Hence, the evidence of P.W.3 and P.W.4 and the Investigation Officer/P.W.5 are contrary to each other.

12.5) The contradictory evidence of witnesses, P.W.3 to P.W.5 create a suspicion over the alleged recovery of the case property from the accused.

13) Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, P.W.3 to P.W.5, 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 21.01.2018 at 10:00 AM in the manner alleged by the prosecution. Apart from the alleged recovery of the case property from the accused, based upon the Confession statement given by him, there is no other incriminating fact/material to connect the accused with the alleged occurrence. 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 09.08.2017, remains Doubtful. As per Principles of Natural Justice, Benefit of Doubt should be given to the accused.

14) THE DECISION

14.1) 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, Meganathan S/o.Samu 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.

| | | | | | | | | | | | | | | | | |
|---|---|------------|------|---|------------------|----|----------------|----------------|----------------|--------------------|---|----------------|----------------|----------------|---|---|
| 1 | GRP Jolarpet PS Cr. 190/20 17 | Meganathan | Samu | - | Korali vattam | 33 | 09.08 .2017 | 02.09 .2017 | 22.01 .2018 | 28.0 2.20 18 | - | 09.05.2 018 | 10.03.202 6 | 10.03.20 26 | - | - |
|---|---|------------|------|---|------------------|----|----------------|----------------|----------------|--------------------|---|----------------|----------------|----------------|---|---|

Dictated by me, directly typed by the Typist, and corrected and pronounced by me in the open court on this 10th day of March 2026.

Judicial Magistrate No. III(FAC),
Tirupathur.

Annexure :-

Prosecution side witnesses:-

| | | | |
|----|--------------|---|---------------------------------|
| 1) | P.W-1 | : | Tr. Venkatesan S/o. Kulasekaran |
| 2) | P.W-2 | : | Tr. Jayakumar S/o. Subiramani |
| 3) | P.W-3 | : | Tr. Palani S/o. Munisamy |
| 4) | P.W-4 | : | Tr. Shanmugam S/o. Mani |
| 5) | P.W-5 | : | Tmt. Jayanthi W/o. Kiran Kumar |

Prosecution side Exhibits:-

| | | | |
|----|---------------|---|--|
| 1) | Ex.P-1 | : | Complaint |
| 2) | Ex.P-2 | : | Photos |
| 3) | Ex.P-3 | : | 2 nd signature at confession statement of the accused |
| 4) | Ex.P-4 | : | 2 nd signature at seizure mahazar |
| 5) | Ex.P-5 | : | 1 st signature at confession statement of the accused |
| 6) | Ex.P-6 | : | 1 st signature at seizure mahazar |
| 7) | Ex.P-7 | : | FIR |
| 8) | Ex.P-8 | : | Admitted portion of confession statement given by the accused |
| 9) | Ex.P-9 | : | Seizure Mahazar |

Prosecution Side Material Objects: - - Nil

Defense Side Witness, Exhibits and Material objects : NIL

NOTE :-

- 1) No witness was detained for more than three days without examination.
- 2) The accused was on bail during trial.
- 3) The police had been informed of the judgment.

Judicial Magistrate No. III(FAC),
Tirupathur.