

**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 10<sup>th</sup> day of March 2026**

**C.C. No. 44 of 2018**

**{ CNR No.TNTU02-000752-2018 }**

State rep by.

The Inspector of Police,

GRP Jolarpet Police Station,

Crime No. 236/2017

....Complainant

--Vs--

Meganathan (Age. 33) S/o. Samu

(Residing at No.4/143,Chinnavepampattu,

Kolarivattam,

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	11.05.2018
3	Date of 1 <sup>st</sup> Questioning	19.07.2018
4	Miscellaneous petitions and	-

their results					
5	Date of Examination in chief and cross examination of a witness	<b>S. No.</b>	<b>PW's</b>	<b>Chief</b>	<b>Cross</b>
		1)	Tr. Senthilmurugan S/o. Muthur	26.9.2018	26.9.2018
		2)	Tr. Palani S/o. Munisamy	26.09.2018	26.09.2018
		3)	Tr. Shanmugam S/o. Mani	26.09.2018	26.09.2018
		4)	Tr. Karthikeyan S/o. Subiramani	15.02.2019	15.02.2019
		5)	Tr. Chidambaram S/o. Perumal	16.9.2021	16.9.2021
		6)	Tr. Satheesh S/o. Sagadevan	06.12.2023	06.12.2023
		7)	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.Senthil murugesan S/o. Mani. The case of the prosecution is that, on 02.11.2017 at about 02:00 AM, when the complainant was travelling in Cheran Express (12673) at S9 coach in Seat no.71 who placed his Laptop along with his bag in his seat and was in deep sleep, accused herein committed theft of that Laptop along with the Bag.

2.2) Based on the online first information lodged by the first informant, First Information Report in Crime No.236 of 2017 dated 10.11.2017 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 21.02.2018 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.7. 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 and P.W.3 are witness to the confession statement of the accused and seizure mahazar in the case. P.W.4 to P.W.6 are Official Witnesses and hearsay witnesses to the occurrence. P.W.7 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 02.11.2017 at about 02:00 AM, the accused had committed theft of Laptop along with Charger and LED Light owned by the complainant travelling in the Cheran 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.Senthil Murugesan S/o. Mani is the first informant/alleged victim in the occurrence. P.W.1 states that on 01.11.2017 he started his travel in Cheran Express From Chennai. He placed his Laptop along with his Bag and was in a deep sleep. At around 2.00 AM when he woke up, nearby Jolarpet Railway Station he realised his Laptop along with his bag was missing. He also informend this incident to the Railway Officials present at the train. As per their instructions, he gave a written complaint at Erode Railway Police station. Based upon the territorial jurisdiction of the commission of offence, his complaint was forwarded to Jolarpet Railway Station. P.W.1 admits the complaint and the same is marked as exhibit P.1.

**9.2)** P.W.1 further states that, after 5-6 months, the Police called him to the police station by stating that they have recovered his Laptop. He identified the Laptop 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 alleged recovery of the case property in the case**

**10.1)** 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.2 and P.W.3 assume great significance. Before moving to the evidence of P.W.2 and P.W.3, it is important to see what P.W.7/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.

**10.2)** P.W.7, 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.7 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 11.15 மணியளவில், இவ்வழக்கின் 2 ஆம் எதிரி கார்த்திக் அவரது வீட்டின் முன்பு இருந்து எடுத்து 1 ஆம் எதிரி எடுத்து ஆஜர் செய்த வழக்கு சொத்தான Laptop ACER Company – Blue Colour with Charger கைப்பற்றப்பட்டு கைப்பற்றுதல் மகசர் தயார் செய்தேன். ( அந்த கைப்பற்றதல் மகசர் அ.சா ஆ. 9 ஆக குறியீடு

செய்யப்படுகிறது)."
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10.3) 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.

10.4) As per P.W.7, on 21.01.2018 at about 11:15 AM, the case properties were recovered from the accused in front of Juvenile Karthik's House, in the presence of witnesses, Shanmgam and Pazhani.

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

11.1) P.W.2, Mr.Pazhani S/o. Munusamy and P.W.3, 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 that On 21.01.2018 at 06.15 AM in Platform No.1 of Jolarpet Railway station, police enquired one person and Seized a Laptop from him. For which they had signed as witnesses.

11.2) Eventhough the P.W.2 and P.W.3 ( Confession Statement and Seizure Mahazar withesses) 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 in front of Juvenile Karthik's House.

**11.4) Hence, the evidence of P.W.2 and P.W.3 and the Investigation Officer/P.W.7 are contrary to each other.**

12) P.W.4 is the RPF police present at the train during the time of incident. He deposed as a hearsay witness about the alleged offence.

- 13) P.W.5 is the Police official, who had received the first information from the complainant and registered a case in Erode Railway Station.
- 14) P.W.6 is TTE of Cheran Express, who was present at the time of incident. He also deposed as a hearsay witness regarding the incident.
- 15) As P.W.4 to P.W.6 were deposed as a hearsay witness to the Crime, their evidence in anyway didn't connect the accused with the Incident.
- 16) The contradictory evidence of witnesses, P.W.2, P.W.3 and P.W.7 create a suspicion over the alleged recovery of the case property from the accused.
- 17) **Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, , P.W.2, P.W.3 and P.W.7, 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 11:15 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 02.11.2017, remains Doubtful. As per Principles of Natural Justice, Benefit of Doubt should be given to the accused.**
- 18) **THE DECISION**

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



1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
1	GRP Jolarpet PS Cr. 236/2017	Meganathan	Samu	-	Kolarivattam	33	10.11.2017	10.11.2017	22.01.2018	28.02.2018	-	18.07.2018	10.03.2026	10.03.2026	-	-

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

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

**Annexure :-**

**Prosecution side witnesses:-**

1)	<b>P.W-1</b>	:	Tr. Senthilmurugan S/o. Muthur
2)	<b>P.W-2</b>	:	Tr. Palani S/o. Munisamy
3)	<b>P.W-3</b>	:	Tr. Shanmugam S/o. Mani
4)	<b>P.W-4</b>	:	Tr. Karthikeyan S/o. Subiramani
5)	<b>P.W-5</b>	:	Tr. Chidambaram S/o. Perumal
6)	<b>P.W-6</b>	:	Tr. Satheesh S/o. Sagadevan
7)	<b>P.W-7</b>	:	Tmt. Jayanthi W/o. Kiran Kumar

**Prosecution side Exhibits:-**

1)	<b>Ex.P-1</b>	:	Complaint
2)	<b>Ex.P-2</b>	:	Photo
3)	<b>Ex.P-3</b>	:	2 <sup>nd</sup> signature at confession statement of the accused
4)	<b>Ex.P-4</b>	:	2 <sup>nd</sup> signature at seizure mahazar
5)	<b>Ex.P-5</b>	:	1 <sup>st</sup> signature at confession statement of the accused
6)	<b>Ex.P-6</b>	:	1 <sup>st</sup> signature at seizure mahazar

7)	<b>Ex.P-7</b>	:	FIR
8)	<b>Ex.P-8</b>	:	Admitted portion of confession statement given by the accused
9)	<b>Ex.P-9</b>	:	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.**