

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. 47 of 2018

{ CNR No.TNTU02-000811-2018 }

State rep by.

The Inspector of Police,

GRP Jolarpet Police Station,

Crime No. 233/2017

....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	01.06.2018
3	Date of 1 st Questioning	19.07.2018
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. Aravindhbalaji S/o. Ravichandiran	10.02.2021	10.02.2021
		2)	Tr. Shanmugam S/o. Mani	11.01.2024	11.01.2024
		3)	Tr. Palani S/o. Munisamy	11.01.2024	11.01.2024
		4)	Tr. Parimala W/o. Vinothkumar	29.01.2024	29.01.2024
		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 Chennai - Jolarpet Police Station.

2. The case of the prosecution is in brief is as follows:

The Inspector of police, GRP Jolarpet police station has filed a final report that on 07.11.2017 at around 1.20 AM when LW1 was travelling from Salem in Kerala to New Delhi Express bearing train number 12625 in the seat No.28 the accused A1 along with 2 other Juveniles committed theft of LW1's Apple I Phone and thereby committed offences punishable under sections 379 IPC . As 2 other Juveniles were Produced before JJB, Charge sheet had been filed against A1 only.

3. Summon was served to accused. Upon appearance of the accused, the documents relied on by the prosecution were furnished free of cost to the accused U/s. 207 Cr.P.C. Thereafter, after providing due time for reflection, the substance of accusation were put forth to the accused and the same was denied by them as false and claimed to be tried. Charges framed against the accused under section 379 IPC and the same were read over and explained to the accused.
4. On the side of the prosecution P.W-1 to P.W-5 were examined, Exhibits P1 to Ex.P9 were marked. On the side of the Accused side, no witnesses were examined.

5. The case of the prosecution side through the prosecution side witnesses in brief is as follows:-

5.1) PW1:- PW1 is the Complainant in this case. He deposed that on 06.11.2017 at 11:40 PM, he started his journey from Salem on the Kerala Express (train number 12625). He placed his iPhone in the charger socket near his seat. When the train halted before Jolarpettai railway station, he was in a deep sleep. At that time, one person dragged his cell phone along with the charging wire. When the wire hit his face, he woke up and saw the person's face. When he tried to catch him, the person was no longer there. He therefore lodged a complaint at Jolarpettai railway police station. Thereafter, on 21.01.2018 at 11:00 AM, the police informed him that his phone had been seized and asked him to identify it. He then came to the station and identified it. He also saw the accused at the police station. Through him, the complaint and photos of the case property (the mobile phone) were marked as Ex.P.1 and Ex.P.2.

5.2) PW2:- PW2 is a confession statement witness . He didn't identified the Accused in Dock. He deposed that on 2018 in January month, he found that the 2 Persons were being enquired by the police in Platform No.1 of Jolarpet Railway station in the morning. Laptop and Cellphone were seized from them. **The First signatures in the confession statement of accused and Seizue**

Mahazar was marked as Exb- P3 and P4 respectively. Even though he was Cross examined by Prosecution as partly Hostile witness, he didn't deposed in favour of the prosecution case.

5.3) PW3:- PW3 is an another confession statement witness. He also didn't identified the Accused in Dock. He deposed that on 2018 in January month, he found that the 2 Persons were being enquired by the police in Platform No.1 of Jolarpet Railway station in the morning. Laptop and Cellphone were seized from them. **The First signatures in the confession statement of accused and Seizue Mahazar was marked as Exb- P3 and P4** respectively. He deposed that he didn't know why police got those signatures from him. Eventhough he was Cross examined by Prosecution as partly Hostile witness, he didn't deposed in favour of the prosecution case.

5.4) PW4 :- PW 4 is WHC working at GRP Jolarpet police station. He deposed that on 06.11.2017 at early morning 2.30 AM, PW1 lodged complaint and based on the same he registered first information report and **crime number 233 of 2017 under section 379 IPC was registered** . Thereafter, for further investigation of the case he submitted the case records to the Inspector PW5.

5.5) PW5:- PW5 is the investigation officer in the present case. she received case records from PW.4 WHC, Jolarpet Railway station and **Ex.P 7 first**

information report in Cr.No. 233 of 2017 under sections 379 IPC and arrested the accused in platform no.1 and recorded confession statement and **Exb P-8 admitted portion of confession statement given by the accused on 2.01.2018** in the presence of witnesses and thereafter recorded the statement of the witnesses in the present case. Thereafter, she seized **Apple I Phone** at the place nearby accused persons house in the presence of the same witnesses and prepared **Exb.P-9 Seizure Mahazar**. Thereafter, she remanded the accused to judicial custody and after completion her investigation she filed final report against the accused under sections 379 IPC.

6. The incriminating portion of prosecution side witnesses were put forth of accused u/s. 313 (1) (b) Cr.P.C and the same was denied by them as false. Thereafter the accused was provided an opportunity to produce any oral or documentary evidences and the accused did not come forward to provide the same.

7. **Discussion:-** Now the point that arose for consideration is where the prosecution has proved the guilt of the accused beyond all reasonable doubt ?

If so, what would be the sentence to be imposed upon the Accused ?

7.1) In the present case, the accused was charged under section 379 IPC. PW1, who is a victim in the present case has deposed about the Incident. He further stated that he identified his mobile at police station. He identified the

accused in dock. He also deposed that he saw the accused at the time of incident and stated that **Ex.P.1 Complaint was handwritten by him personally**. But, on perusal of the Ex.P.1 Complaint, he didn't mentioned about the accused person. He barely mentioned about the theft of his mobile phone.

7.2) An ordinary prudent man would definitely mention the details in his complaint, about the person who had committed theft, atleast as an unknown person had committed theft from him.

7.3) During the cross examination of the PW1, he had stated that he had mentioned in his complaint, regarding the Person who had committed theft from him. But, PW.4 police officer who had registered the FIR stated in her cross examination that PW1 didn't stated anything about the Person who had committed theft. Hence, Contradiction had been proved by the Defence side counsel.

7.4) The accused was roped into the case based on the confession statement given by him. Hence the evidence of the confession statement witnesses assumes greater importance. It is pertinent to note that the accused gave a confession statement on 21.01.2018 in the presence of PW-2 and PW-3. Both Confession Statement witnesses were deposed that they never saw the accused while they were signing in the confession statement and Seizure mahazar.

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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. Aravindhbalaji S/o. Ravichandiran
2)	P.W-2	:	Tr. Shanmugam S/o. Mani
3)	P.W-3	:	Tr. Palani S/o. Munisamy
4)	P.W-4	:	Tr. Parimala W/o. Vinothkumar
5)	P.W-5	:	Tmt. Jayanthi W/o. Kiran Kumar

Prosecution side Exhibits:-

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