

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

Wednesday the 01st day of July 2026

C.C. No. 52 of 2015

{ CNR No.TNTU02-001722-2015 }

State rep by.

The Sub-Inspector of Police,

Natrampalli Police Station,

Crime No. 672/2012

.... Complainant

--Vs--

Manigandan (Age. 34) S/o. Thangavelu

.... 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. 52 of 2015
2.	Name of the Police Station and Crime Number	The Sub- Inspector of Police, Natrampalli Police Station, Crime No. 672 of 2012 ...Complainant
3.	Name of the Accused	Manigandan ...Accused
4.	Father's name	Thangavelu
5.	Occupation	--
6.	Residence	(Residing at Kalliyur, Pudupettai, Natrampalli Taluk Tirupathur District.)
7.	Age	34
8.	Date of Occurrence	04.10.2012
9.	Date of chargesheet and	Date of Charge sheet: 04.03.2013

	Date of which chargesheet was filed into Court	Date of filing of Charge sheet in Court: 05.08.2015
10.	Date of Apprehension	27.12.2012
11.	Date of Release on bail	21.01.2013
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial (The date of furnishing of documents u/s.207, Cr.P.C.)	26.10.2015
14.	Charge framed against the accused u/s. 240(1) of the Code	18.11.2015
15.	Date of examination of the accused U/s. 313 of the code	03.06.2026
16.	Closure of Trial	24.06.2026
17.	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, Manigandan s/o. Thangavel is FOUND NOT GUILTY and ACQUITTED of the offences u/s.457, 380 of Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973.
18.	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.
19.	Explanation of delay	The delay was occasioned due to the delay in production of witnesses by the prosecution.
20.	Property order u/s.452 of the Code of Criminal	Case property in C.P.No.67/2015 dated 24.06.2015 i.e., தங்க நெக்லஸ் ஒன்று சுமார்

	Procedure, 1973	20 கிராம் (2 1/2 சவரன்) handed over to the de-facto complainant as interim custody vide Order of this Court dated 24.06.2015 in CrI.M.P.No.2004 of 2015 shall be allowed to be retained in the permanent custody of the de-facto complainant/owner of property in accordance with section 452 of the Code. Bonds if any executed by the de-facto complainant and sureties shall be cancelled.
21.	Counsel for the Complainant	Mrs.Usha , Assistant Public Prosecutor Grade-II
22.	Counsel for Accused	Mr. M. Kabilan, B.A., B.L , Advocate
23.	<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>	

This case came up for final hearing before me on **01.07.2026** in the presence of **Mr. M. Kabilan, 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 **01.07.2026** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

1. The first informant in the case is Mr.Babu S/o. Pusari. The case of the prosecution is that, on 04.10.2012 at about 10:00 p.m., LW1 locked his house and took his daughter-in-law, Sonia, to the Government Hospital at Pudupet for her delivery. As there were inadequate medical facilities available there, he subsequently admitted her to a private hospital at Tirupathur for treatment at about 11:00 p.m. After returning home at about 1:00 a.m., he found that the

doors of his house had been broken open. Upon entering the house, he noticed that the locker in the bureau had been forced open and that 3-sovereign gold necklace and 1½-sovereign gold chain, valued at approximately Rs.24,000/-, were missing. Alleging that the accused herein committed theft of that 3-sovereign gold necklace and 1½-sovereign gold chain, valued at approximately Rs.24,000/-.

2. Based on the complaint lodged by the de facto complainant, a First Information Report in Crime No. 672 of 2012, dated 05.10.2012, was registered against unknown accused persons for the offence punishable under Section 457,380 of the Indian Penal Code, 1860. The accused was arrested in connection with this case on 27.12.2012.
3. At the completion of investigation in the case, Final Report dated 04.03.2013 was laid out against the accused, Manigandan S/o. Thangavelu for the offences u/s.457,380 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.
5. Thereafter, the charge for the offences u/s. 457,380 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.8. Exhibits P.1 to P.7 and M.O.I were 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 the alleged hearsay witness to the incident. P.W.4 and P.W.5 is the observation mahazar witnesses to the occurrence. P.W.6 and P.W.7 is the confession statement and seizure mahazar witnesses in the case. P.W.8 is the Police officer who is the Investigation Officer in the case and filed Final Report against accused.

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 05.10.2012 at about 1:00 A.M., the accused committed house-breaking by night in a dwelling house and stole 3-sovereign gold necklace and 1½-sovereign gold chain, valued at approximately Rs.24,000/-. Hence, the accused was charged with offences u/s. 457 and 380 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.Babu S/o. Poosari is the first informant in the occurrence. P.W.1 states that on 04.10.2012 at about 10:00 a.m, he locked his house and took his daughter-in-law, Sonia, to the Government Hospital at Pudupet for her delivery. As there were inadequate medical facilities available there, he subsequently admitted her to a private hospital at Tirupathur for treatment at about 11:00 p.m. After returning home at about 12:00 a.m., he found that the doors of his house had been broken open. Upon entering the house, he noticed that the locker in the bureau had been forced open and that 3-sovereign gold necklace and 1½-sovereign gold chain and few other items were missing. P.W.1 admits the compliant and the same is marked as exhibit P.1. P.W.1 further states that, the Police called him to the police station by stating that they have recovered his gold necklace. He identified the gold necklace, which was marked as M.O.I.

16.During his cross examination, he admitted that the police had took finger prints at the scene of occurrence.

17.P.W.1 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 evidence of P.W.2**

18.P.W.2, Mr. Sakthi S/o.Thirupathi is a hearsay witness to the incident. He reiterated the Scene as stated by P.W.1.

19.During his cross examination he admitted that he came to know about the

accused through the Police. He also didn't stated any information regarding the identity of the accused. Hence, the evidence of P.W.2 is not of any use to the prosecution.

- **With respect to the evidence of P.W.3**

20.P.W.3, Mr. Devendiran S/o.Raji is a hearsay witness to the incident. He reiterated the Scene as stated by P.W.1.

21.During his cross examination, he too admitted that the police had took finger prints at the scene of occurrence.

- **With respect to the evidence of P.W.4 and P.W.5**

22. P.W.4 and P.W.5 were witnesses to the observation in this case. In their examination-in-chief, they stated that the police visited the scene of the incident and prepared a rough sketch, on which they signed as witnesses.

23.During their Cross examination, P.W.4 admitted that he signed in a blank paper and P.W.5 denied the signature in the observation mahazar as not of his own. Hence, there exists a doubt regarding whether the police actually visited the Scene and conducted an investigation.

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

24.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.6 and P.W.7 assume great significance. Before moving to the evidence of P.W.6 and P.W.7, it is important to see what P.W.8/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.

25.P.W.8, Tmt. Sarojini W/o. Anumandhan 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.8 is as follows:

“எதிரி நாட்றம்பள்ளி காவல் நிலைய குற்ற எண். 809/2012 என்ற வழக்கில் கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில், எதிரி இவ்வழக்கிலும் ஈடுபட்டது தெரியவந்தது. எதிரி மணிகண்டன் கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அனுமதிக்கப்பட்ட பகுதி ஏற்கனவே அ.சா.ஆ 3 ஆக குறியீடு செய்யப்பட்டுள்ளது. அந்த ஒப்புதல் வாக்குமூலத்தில் எதிரி இவ்வழக்கு சம்பவத்தில் ஈடுபட்டதை ஒப்பு கொண்டு வழக்கு சொத்தான தங்க நகைகளை எதிரியின் பாட்டி வீட்டிடம் மறைத்து வைத்திருப்பதாக கூறியதன் பேரில் சாட்சிகள் பெரியசாமி மற்றும் பார்த்திபன் முன்னிலையில் எதிரி காண்பித்த இடத்திற்கு சென்று எதிரி எடுத்து ஆஜர் செய்த சுமார் 20 கிராம் (2 ½) சவரன் எடை கொண்ட தங்க நெக்கலிஷ் ஒன்றை அதே சாட்சிகள் முன்னிலையில் கைப்பற்றுதல் மகசர் மூலம் கைப்பற்றினேன். (அந்த கைப்பற்றுதல் மகசர் ஏற்கனவே அ.சா.ஆ. 4 ஆக குறியீடு செய்யப்பட்டுள்ளது) பின்னர் எதிரியை கைது செய்து நிலையம் சேர்ந்து நீதிமன்ற காவலுக்கு உட்படுத்தினேன். வழக்கு சொத்தினை படிவம் - 91 மூலம் நீதிமன்றத்திற்கு அனுப்பி வைத்தேன். படிவம் -91 அ.சா.ஆ 7 ஆக குறியீடு செய்யப்படுகிறது ”

26.As per P.W.8, on 26.12.2012 at about 17.00 Hrs, the case properties were

recovered from the accused in the cow shed owned by the accused's grandmother located in Killiyur, in the presence of witnesses, Periyasamy and Parthiban.

● **With respect to the evidence of P.W.6 and P.W.7**

27.P.W.6, Mr. Parthiban S/o. Chinnaraj and P.W.7, Mr. Periyasamy S/o. Periyasamy are the alleged witnesses to the confession statement of the accused and the seizure mahazar in this case. In his examination-in-chief, P.W.6 stated that, on 26.12.2012 at about 03:00 p.m., he was called over the phone by the Inspector of Police, following which he, along with the Village Administrative Officer (VAO), Periyasamy, went to the Natrampalli Bus Stand. He further stated that, upon reaching the bus stand, the accused voluntarily confessed to having committed the offence in connection with the present case. According to him, in the said confession, the accused stated that he had concealed the gold ornament in the cowshed of his grandmother's house situated at Killiyur. P.W.6 identified and admitted his signature on the confession statement of the accused. He further stated that, based on the confession statement made by the accused, the police recovered one gold necklace from the house of the accused's grandmother in the presence of the accused and the witnesses.

28.Through him, the admitted portion of the confession statement given by the accused and the Seizure Mahazar were respectively marked as Ex.P.3 and Ex.P.4.

29. Although, P.W.6 was extensively cross-examined by the defence, only the material portions of the cross-examination of P.W.6 are discussed herein. P.W.6 states that the confession statement and the seizure mahazar were taken printout in Kalliyur, in which he signed as a witness. He further admits that the Ex.P.4 Seizure Mahazar marked by him was hand written one. The other suggestions put forth by the defence in favour of the accused were out rightly denied by the witness.

30. During his examination-in-chief, P.W.7 reiterated the facts stated by P.W.6. However, he failed to state the specific details regarding the place from which the property was seized and the description of the property. Hence, the evidence of P.W.7 does not assist the prosecution in substantiating its case.

31. Now the next endeavor of the Court is to find out whether the evidence of P.W.6 and P.W.7 and the Investigation Officer/P.W.8 are consistent or not.

32. The cross-examination of P.W.8 by the defence reveals several contradictions between the evidence of P.W.6 and P.W.8. P.W.6 stated in his cross-examination that he had signed as a witness on printed papers. However, upon perusal of the records, it is evident that the confession statement and the seizure mahazar were handwritten. In the latter part of his cross-examination, P.W.6 also admitted the same. Hence, a doubt arises regarding the evidentiary value of the testimony of P.W.6. Thus, the evidence of P.W.6 and P.W.8 in this regard is contradictory.

33.It is settled law that confession-based recovery is a weak form of evidence and the Court has to look for other circumstances too to link the accused with the occurrence. In the present case, there are several important contradictions between the evidence of Investigation Officer and witness to the recovery of the case property from the accused.

34.First and foremost, the prosecution failed to establish the identity of the case property through the witnesses to the seizure mahazar. P.W.6 stated that the confession statement and the seizure mahazar were typewritten documents. However, upon perusal of the records, it is evident that both the confession statement and the seizure mahazar are handwritten.

35.Further, P.W.1 and P.W.2 stated that the police had collected fingerprints from the scene of occurrence during the investigation. During the cross-examination of P.W.8, she admitted that the fingerprints of the accused did not match the fingerprints lifted from the scene of occurrence. Therefore, there is no scientific evidence linking the accused to the alleged occurrence.

36.During her cross-examination, P.W.8 admitted that the persons residing at the place of the alleged seizure were not cited as witnesses in the case. Those persons would have been the natural witnesses to the alleged recovery. When questioned in this regard, P.W.8 stated that they were unwilling to act as witnesses and, therefore, were not cited as such. However, the Investigating Officer did not produce any notices alleged to have been served on those persons. The contradictory evidence of P.W.6

and P.W.8 creates a suspicion regarding the alleged recovery of the case property from the accused.

37. Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, P.W.6 to P.W.8, 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 26.12.2012 at about 17.00 Hrs in the manner alleged by the prosecution. Apart from the alleged recovery of the case property from the accused, there is no other incriminating fact/material to connect the accused with the alleged occurrence. Hence, the involvement of the accused in the occurrence on 04.10.2012 is not proved beyond all reasonable doubts.

38. Upon analysis of the evidence deposed by the above witnesses, this Court holds that the prosecution has failed to prove beyond all reasonable doubt that the accused herein broke into the house of the first informant and stole 3-sovereign gold necklace and 1½-sovereign gold chain of the first informant on the date, time and in the manner alleged by the prosecution. No other fact or circumstance was proved by the prosecution to link the accused and the alleged occurrence.

VIII. THE DECISION

39.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, Manigandan**

S/o. Thangavelu is FOUND NOT GUILTY and ACQUITTED of the offences u/s.457,380 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

40.Case property in C.P.No.67/2015 dated 24.06.2015 i.e., தங்க நெக்லஸ் ஒன்று சுமார் 20 கிராம் (2 1/2 சவரன்) handed over to the de-facto complainant as interim custody vide Order of this Court dated 24.06.2015 in **Crl.M.P.No.2004 of 2015** shall be allowed to be retained in the permanent custody of the de-facto complainant/owner of property in accordance with section 452 of the Code. Bonds if any executed by the de-facto complainant and sureties shall be cancelled.

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

41.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 01st 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. Babu S/o. Poosari	First Informant	P.1, M.O. I
2.	P.W.2	Mr. Sakthi S/o. Tirupathi	Hearsay Witness	--
3.	P.W.3	Mr. Devendiran S/o. Raji	Hearsay Witness	--
4.	P.W.4	Mr. Govindasamy S/o. Kannan	Observation Mahazar witness	P.2
5.	P.W.5	Mr. Ramakrishnan S/o. Perumal	Observation Mahazar witness	--
6.	P.W.6	Mr. Parthiban S/o. Chinnaraj	Confession Statement and Seizure Mahazar witness	P.3, P.4
7.	P.W.7	Mr. Periyasamy S/o. Periyasamy	Confession Statement and Seizure Mahazar witness	--
8.	P.W.8	Mrs. Sarojini W/o. Anumandhan	Investigation Officer	P.5 to P.7

Documents:

S.No.	Exhibits	By whom marked	Date	Description of Document
1.	P.1	P.W.1	27.09.2017	Complaint
2.	P.2	P.W.4	16.12.2021	Observation Mahazar
3.	P.3	P.W.6	01.06.2023	Admitted portion of the confession statement
4.	P.4	P.W.6	01.06.2023	Seizure Mahazar
5.	P.5	P.W.8	27.05.2026	FIR in Cr.No. 672/2012
6.	P.6	P.W.8	27.05.2026	Rough Sketch
7.	P.7	P.W.8	27.05.2026	Form -91

Material Object

S.No.	Material Object	By whom marked	Date	Description of Material Object
1.	M.O -I	P.W.1	09.11.2017	Gold Necklace

For Defense**Witnesses:** Nil**Documents:** Nil**Material Objects:** Nil**Note:**

- i. *The accused is on bail throughout the trial.*
- ii. *No witness was retained more than three times.*
- iii. *The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this court vide email.*

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