

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 25th day of March 2026

C.C. No. 149 of 2019

F.No.2345/2019

{ CNR No.TNTU02-002348-2019 }

State rep by.

The Inspector of Police,

GRP Jolarpet Police Station,

Crime No. 86/2017

...Complainant

--Vs--

A1. Alamelu W/o. Rajendiran

A2.Pagalammal W/o. Balan

A3. Rajendran S/o. Ramu

....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. 149 of 2019
2.	Name of the Police Station and Crime Number	The Special Sub Inspector of Police, GRP Jolarpet Police Station, Crime No. 86 of 2017 ...Complainant
3.	Name of the Accused	A1. Alamelu W/o. Rajendiran A2.Pagalammal W/o. Balan A3. Rajendran S/o. Ramu ...Accused
4.	Father's name	A1. Alamelu W/o. Rajendiran A2.Pagalammal W/o. Balan A3. Rajendran S/o. Ramu
5.	Occupation	--

6.	Residence	A1,A3 - No.02/149, Paiyamekam, Arunkunta Village, Chittoor Dist, Andhrapradesh State. A2 – No.69/4, Vadivel Nagar Main road, Sainathapuram, Vellore.
7.	Age	A1 – 38 A2 – 67 A3 - 47
8.	Date of Occurrence	15.04.2017
9.	Date of chargesheet and Date of which chargesheet was filed into Court	Date of Charge sheet: 16.12.2018 Date of filing of Chargesheet in Court: 20.03.2019
10.	Date of Apprehension	A1- 28.11.2017 A2 - 03.11.2017 A3 – 03.12.2018
11.	Date of Release on bail	A1 – 24.01.2018 A2 – 24.01.2018 A3 – 29.12.2018
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial(The date of furnishing of documents u/s.207, Cr.P.C.)	08.08.2019
14.	Charge framed against the accused u/s. 240(1) of the Code	The charge for the offences u/s. 379 r/w 120-B 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.
14.	Closure of Trial	25.03.2026
15.	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 A1 and A3 accused beyond all reasonable doubts. Hence, the accused, A1. Alamelu S/o. Rajendran and A3. Rajendran S/o. Ramu is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 r/w 120-B

		of Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973. Eventhough Prosecution had proved the charges against accused A2. Pagalammal U/s. 379 of IPC,1860, Such Charges Stands abated as she died during the time of Trial.
16.	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.
17.	Explanation of delay	The delay was occasioned due to the delay in production of witnesses by the prosecution.
18.	Property order u/s.452 of the Code of Criminal Procedure, 1973	The Case property in C.P.No.18/2018 dated 09.02.2018 i.e., சுமார் 4 சவரன் தங்க கட்டி -1, சுமார் 1 சவரன் தங்க கட்டி -1 handed over to the interim custody of the de-facto complainant vide Order of this Court dated 09.02.2018 in Crl.M.P.No.306/2018 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.

This case came up for final hearing before me on 25.03.2026 in the presence of **Mr. D.N. Amudanandan, M.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 25.03.2026 delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

(a) The first informant in the case is Mrs. Nadira Parveen W/o. Mr. Tahir Basha. The case of the prosecution is that, on 15.04.2017 at about 11:30 AM, while the complainant was travelling in the Brindhavan Express, in between Vaniyambadi – Jolarpet Railway station A1 to A3 accused herein has Conspired to together to

commit theft from Complainant, in result of that A1 Committed theft of Complainants Jewels.

- (b) Based on the written first information lodged by the first informant, First Information Report in Crime No.86 of 2017 dated 16.04.2017 was registered against unknown accused for the offences u/s.379 of the Indian Penal Code, 1860.
- (c) At the completion of investigation in the case, Final Report was laid out against A1 to A3 accused, for the offences u/s.379 r/w 120 (B) of the Indian Penal Code, 1860.

II. THE CHARGE AND PLEA OF ACCUSED

- (a) 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.
- (b) Thereafter, the charge for the offences u/s.379 r/w 120 (B) 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, they 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

- (a) 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.11 were marked on behalf of the prosecution.
- (b) P.W.1 is the first informant in the case. P.W.2 is a hearsay witnesses to the occurrence. P.W.3 and P.W.4 are witnesses to the confession statement of the A1 accused and seizure mahazar connected to this Confession statement. P.W.5 to P.W.6 are witnesses to the confession statement of the A2 accused and seizure mahazar connected to this Confession statement. P.W.8 is the police officer who took part in the investigation of the case.

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

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

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

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

- (a) As per the prosecution, on 15.04.2017 at about 11:30 AM, while the complainant was travelling in the Brindhavan Express, in between Vaniyambadi – Jolarpet Railway station A1 to A3 accused herein had Conspired together to commit theft from Complainant, in result of that A1 Committed theft of Complainants Jewels. Hence, the prosecution charged the accused of the offences u/s.379 r/w 120-B of the Indian Penal Code, 1860.
- (b) Eventhough the Complainant had stated in her deposition that she saw A1 to A3 accused at the time of incident, 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.
- (c) 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.

(d) 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**

(a) P.W.1, Mrs. Nadira Parveen W/o. Takir Basha is the first informant/alleged victim in the occurrence. P.W.1 stated that Before 4 years on April 15 when she was travelling in the Brindavan Express, while train passing Jolarpet Railway station one lady pushed her. After sometime the 8 Sovereigns of Gold Jewels and Rs. 50,000/- were in the custody of her was missing. On next day she gave a Complaint in Jolarpet railway station and after one year police called her and stated her that Part of her jewels were recovered in melted stage. Thereafter she received her property through application before this court.P.W.1 admits his Complaint and the same is marked as exhibit P.1 and the photograph of property seized from accused marked as Ex.P.2.

(b) **However, the evidence of P.W.1 is not helpful to the prosecution in establishing the involvement of the accused persons in the occurrence.**

- **With respect to the evidence of P.W.2**

P.W.2, Mr.Thakir Basha S/o. Sirajudeen is only a hearsay witnesses to the occurrence. Both P.W.2 states that he came to know about the theft of the first informant's Bag and Jewels only from her. The evidence of P.W.2 is not of any use to the prosecution.

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

- (a) 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 persons. Totally 3 Confession statements were recorded in this case. In this context, the evidence of witnesses, P.W.3 to P.W.7 assume great significance. Before moving to the evidence of P.W.3 to P.W.7, it is important to see what P.W.8/Investigation Officer has to say about the arrest of the accused persons, alleged confession statement of the accused and recovery of the case property from them.
- (b) P.W.8, Mrs.Jayanthi W/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 them, the evidence of P.W.8 is as follows:

"1. பின்னர் கிடைத்த ரகசிய தகவலின்படி, காட்பாடி இருப்புப்பாதை காவல் நிலைய குற்ற எண். 155/2017 வழக்கில் சம்பந்த பட்ட எதிரி பகலம்மாள், சாட்சிகள் அஸ்வாக் அஜீஸ் மற்றும் மகபூப் பாஷா ஆகியோர் முன்னிலையில் கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில் எதிரி பகலம்மாள் இவ்வழக்கிலும் ஈடுபட்டது தெரியவந்ததால், இவ்வழக்கில் சம்பந்தப்பட்ட வழக்கு சொத்தான சுமார் 1 சவரன் தங்க கட்டி அதே சாட்சிகள் முன்னிலையில் கைப்பற்றுதல் மகசர் மூலம் கைப்பற்றப்பட்டது. (அந்த கைப்பற்றுதல் மகசர் என்னால் அ.சா.ஆ 9 ஆக குறியீடு செய்யப்படுகிறது.) பின்னர் எதிரி பகலம்மாளை வேலூர் மத்திய சிறையில் வைத்து சம்பிரதாய கைது செய்து பின்னர் PT warrant மூலம் எதிரி பகலம்மா என்பவரை 13.11.2017 ஆம் தேதி கைது செய்து இவ்வழக்கில் நீதிமன்ற காவலுக்கு உட்படுத்தினேன். பின்னர் நீதிமன்ற காவலில் இருந்த எதிரி பகலம்மாள் என்பவரை நீதிமன்ற உத்தரவின்படி போலீஸ் காவலில் எடுத்து விசாரித்தபோது, சாட்சிகள் அஸ்வாக் அஜீஸ் மற்றும் மகபூப் பாஷா ஆகியோர் முன்னிலையில் எதிரி பகலம்மாள் தானாக முன்வந்து

கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில் 2 ம் எதிரி அலமேலு இவ்வழக்கில் ஈடுபட்டது தெரியவந்தது. பின்னர் எதிரி பகலம்மாள் கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில், காட்பாடி இருப்புப்பாதை காவல் நிலைய குற்ற எண். 155/2017 வழக்கில் சம்மந்தப்பட்ட எதிரி அலமேலு இவ்வழக்கிலும் ஈடுபட்டது தெரியவந்தது. பின்னர் எதிரி அலமேலுவை கடந்த 22.11.2017 அன்று சம்பிரதாய கைது செய்து 28.11.2017 ம் தேதி PT Warrant மூலம் நீதிமன்றத்தில் ஆஜர் படுத்தப்பட்டு நீதிமன்ற காவலுக்கு உட்படுத்தினேன். மேலும், 2 ம் எதிரியிடமிருந்து சுமார் 4 சவரன் எடையுள்ள தங்க கட்டி அதே சாட்சிகள் முன்னிலையில் கைப்பற்றி கைப்பற்றுதல் மகசர் தாயார் செய்தேன். (அந்த கைப்பற்றுதல் மகசர் அ.சா.ஆ 10 ஆக குறியீடு செய்யப்படுகிறது.) இவ்வழக்கில் 3 ம் எதிரியும் ஈடுபட்ட விவரம் தெரிய வந்தது பின்னர் எதிரிகளை நீதிமன்ற காவலுக்கு உட்படுத்தி வழக்கு கோப்பை காவல் ஆய்வாளர் சிவகாமி ராணி வசம் ஒப்படைத்து பணி மாறுதலில் சென்று விட்டேன்."

(c) Through the confession statement of the accused A2 , Case property was seized through seizure mahazar, which was marked as Exhibit P.9.

(d) As per P.W.8, on 16.10.2017 at about 05:30 PM, the case property 1 Gram Gold Ingot was recovered from the accused A2 from her house located in vellore, in the presence of witnesses, Mr. Ashwak and Mr. Mahaboob Basha. Of the two seizure mahazar witnesses, only one witness was examined by the prosecution at trial of the case.

• **With respect to the evidence of P.W.7**

(a) P.W.7, Mr. Ashwak S/o. Abdul Ajeez is an alleged witness to the confession statement of accused A2 and seizure mahazar in the case. Even though in his chief-examination, P.W.7 stated that, on 2017 one day at Katpadi railway station Police were enquiring a old lady, in result of that she gave an confession statement, for

which he signed as a witness, he didn't stated anything about the Seizure made from accused A2 from such confession statement. Through him his Signature in the Confession statement of A2 accused was marked as Ex.P.7. Hence, Prosecution story of 1 Gram of Gold Ingot seized from A2 accused through Seizure Mahazar Ex.P.9 was not proved by the prosecution.

• **With respect to the evidence of P.W.3 and P.W.4**

- (a) P.W.3, Mr. Ranjith Kumar S/o.Mani and P.W.4, Mr. Madharbasha S/o. Karimbasha are alleged witnesses to the confession statement of accused A1 and seizure mahazar in the case.
- (b) P.W.3 had identified the accused in the dock. Even though in his chief-examination, P.W.3 stated that, Before 3 – 4 Years, one day at Katpadi railway station Police were enquiring A1 accused, for which he signed as a witness in Confession statement given by her, he didn't stated anything about the Seizure made from accused A1 from such confession statement. Further more he didn't stated that accused A1 had confessed about the theft committed by her. Through him his Signature in the Confession statement of A1 accused was marked as Ex.P.3.
- (c) P.W.4 had not identified the accused in the dock. Even though in his chief-examination, P.W.3 stated that, on 2017 one day, at Katpadi railway station, Police were enquiring some persons, but he didn't knew whether accused was present at that place. Eventhough he signed as a witness in Confession statement, he didn't stated anything about the confession given by A1 accused and the Seizure made from A1 accused from such confession statement. Through him his Signature in the Confession statement of A1 accused was marked as Ex.P.4.
- (d) **Hence, Prosecution story of Case property seized from A1 accused through the confession statement given by her was not proved by the prosecution.**

- **With respect to the evidence of P.W.5 and P.W.6**

- (a) P.W.5, Mr. Santhosh Kumar S/o.Parasuraman and P.W.6, Mr. Palani S/o. Munusami are alleged witnesses to the confession statement of accused A2 and seizure mahazar in the case.
- (b) P.W.5 had stated that he can identify the old lady enquired by the police. As accused was absent at that date, adverse inference was taken against her. He stated that 4-5 years before one fine morning at Jolarpet Railway Station police called him to Police station. While at the time of enquiry, that old lady had confessed about the theft of jewels and cellphones, committed by her in trains from passengers, for which he and another witness palani were signed as a witnesses to such Confession Statement. Admitted portion of the Confession statement of A2 accused was marked as Ex.P.5. Further stated that after 4,5 days police called him and they took him and Palani along with that old lady to vellore, in where police were seized Melted golden Ingot's handed over by that old lady from her house through Seizure Mahazar Ex.P.6, for which he had signed as a witness.
- (c) P.W.6 had stated that he cannot identify the lady enquired by the police, as that was happened before 5 to 6 years. He stated that 5-6 years before one fine morning at Jolarpet Railway Station police called him to Police station. While at the time of enquiry, that lady had confessed about the theft of jewels and purse, committed by her, for which he and another witness Santhosh were signed as a witnesses to such Confession Statement. Further stated that police called him and they took him and Santhosh along with that lady to vellore, in where police were seized Melted golden Ingot's handed over by that old lady from her house through Seizure Mahazar Ex.P.6, for which he had signed as a witness.
- (d) Hence, Prosecution story of the Case property Melted golden ingot's seized from A2 accused's house located in vellore, through the confession statement given by her was proved by the prosecution based upon the evidence of P.W.5 and P.W.6. This court takes into consideration that both witnesses didn't deposed that A2 accused

stated in her confession statement about the involvement of A1 and A3 accused in this crime.

- (e) Prosecution had proved the Seizure of Case properties made from the A2 accused based upon the Confession Statement given by her. But, Prosecution had failed to prove their story, incriminating the A1 and A3 accused through the witnesses.
- (f) **Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, this Court is of the view that it is proved beyond all reasonable doubts that the case properties were recovered from the A2 accused herein on 13.11.2017 at 14:30 PM in the manner alleged by the prosecution. Hence, the involvement of the A2 accused in the occurrence on 15.04.2017 is proved beyond all reasonable doubts. But, the Prosecution had failed to prove the involvement of A1 and A3 accused in the occurrence beyond all reasonable doubts.**

VIII. THE DECISION

- (a) 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 A1 and A3 accused beyond all reasonable doubts. **Hence, the accused, A1. Alamelu S/o. Rajendran and A3. Rajendran S/o. Ramu is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 r/w 120-B of Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973.**
- (b) **Eventhough Prosecution had proved the charges against accused A2. Pagalammal U/s. 379 of IPC,1860, Such Charges Stands abated as she died during the time of Trial.**

IX. PROPERTY ORDER u/s. 452 OF THE CODE

The Case property in C.P.No.18/2018 dated 09.02.2018 i.e., **சுமார் 4 சவரன் தங்க கட்டி -1, சுமார் 1 சவரன் தங்க கட்டி -1** handed over to the interim custody of the de-facto complainant vide Order of this Court dated 09.02.2018 in CrI.M.P.No.306/2018

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

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.

Particulars Under Rule 106 of Criminal Rules of Practice 2019

Sl. No	Name of the Police Station and Cr.No.	Description of the accused					Date of										Explanation of Delay
		Name	Fathers name or Husband name	Occupation	Residence	Age	Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence or Order	Service of Copy of Judgment on accused		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
1	GRP Jolarpet PS Cr. 86/2017	A1. Alamelu	Rajendiran	-	Arukunda	38	15.04.2017	16.04.2017	28.11.2017	24.01.2018	-	08.08.2019	25.03.2026	25.03.2026	-	-	
		A2. Pagalammal	Balan	-	Sainathapuram	67	15.04.2017	16.04.2017	03.11.2017	24.01.2018	-	08.08.2019	25.03.2026	25.03.2026	-	-	
		A3.Rajendran	Ramu	-	Arukunda	47	15.04.2017	16.04.2017	03.11.2017	29.12.2018	-	08.08.2019	25.03.2026	25.03.2026	-	-	

Directly typed by me on my personal laptop, corrected and pronounced by me in Open Court on this 25th day of March, 2026.

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

Annexure :-**Prosecution side witnesses:-**

1)	P.W-1	:	Tmt. Nathira parveen W/o. Thahir Basha
2)	P.W-2	:	Tr. Thahir Basha S/o. Sirajudeen
3)	P.W-3	:	Tr. Ranjithkumar S/o. Mani
4)	P.W-4	:	Tr. Madharbasha S/o. Kareem bhasa
5)	P.W-5	:	Tr. Santhoshkumar S/o. Parasuraman
6)	P.W-6	:	Tr. Pazhani S/o. Munusamy
7)	P.W-7	:	Tr. Ashwa S/o. Ajeesh
8)	P.W-8	:	Tmt. Jayanthi W/o. Kirankumar

Prosecution side Exhibits:-

1)	Ex.P-1	:	Complaint
2)	Ex.P-2	:	Photographs
3)	Ex.P-3	:	1 st signature at confession statement of the accused A1
4)	Ex.P-4	:	2 nd signature at confession statement of the accused A1
5)	Ex.P-5	:	Admitted portion of confession statement given by the accused A2
6)	Ex.P-6	:	Seizure Mahazar
7)	Ex.P-7	:	1 st signature at confession statement of the accused A2
	Ex.P-8	:	FIR
8)	Ex.P-9	:	Seizure Mahazar
9)	Ex.P-10	:	Seizure Mahazar
10)	Ex.P-11	:	Section Alteration report

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.**