

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. 150 of 2019

F.No.2346/2019

{ CNR No.TNTU02-002349-2019 }

State rep by.

The Inspector of Police,

GRP Jolarpet Police Station,

Crime No. 117 of 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. 150 of 2019 |
| 2. | Name of the Police Station and Crime Number | The Special Sub Inspector of Police, GRP Jolarpet Police Station, Crime No. 117of 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, Arukunta 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: 24.12.2018 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 | 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, 1. Alamelu W/o. Rajendran, 2. Pakalammal W/o. Balan, 3. 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. |
| 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 accused beyond all reasonable doubts. Hence, the accused, 1. Alamelu W/o. Rajendran, 2. Pakalammal W/o. Balan, 3. 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. |
| 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 | Case property in C.P.No.19/2018 dated 09.02.2018 i.e., சுமார் 4 சவரன் எடையுள்ள தங்க காசு -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.307 of 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 Mr.Chandrsekar S/o.Narasimma moorthy. The case of the prosecution is that, on 14.05.2017 at about 12:00 PM, when the defacto complainant was travelling in the Intercity Express(12680) along with his wife and his children, the A1 to A3 accused herein had Conspired together and Committed theft of Gold jewels contained in his bag.
- (b)Based on the written first information lodged by the first informant, First Information Report in Crime No.117 of 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 the 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.9. Exhibits P.1 to P.9 were marked on behalf of the prosecution.

(b) P.W.1 is the first informant in the case. P.W.2 and P.W.3 are sanctioned complainant and P.W.4, P.W.5, P.W.7, are the witnesses to the confession statements of the accused persons and seizure mahazar in the case. P.W.6 and P.W.9, are the officials who aided the investigation officer during the investigation. P.W.8 and P.W.10 are the Investigation Officers in the case.

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

(a) 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 14.05.2017 at about 12:00 PM, when the defacto complainant was travelling in the Intercity Express(12680) along with his wife and his children, the A1 to A3 accused herein had Conspired together and Committed theft of Gold jewels contained in his bag. Hence, the prosecution charged the A1 to A3 accused of the offences u/s.379 r/w 120 B of the Indian Penal Code, 1860.

(b) 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, Mr.Chandr sekhar S/o.Narasimma moorthy is the first informant/alleged victim in the occurrence. P.W.1 states that On 2017 one day when he and his family were boarded from Salem to Chennai in Intercity express, when the train reached Ambur Railway station when he checked his belongings he found that his bag was missing. Totally 8 Sovereigns of Gold jewels and Rs. 4000/- was missing along with his bag. He states that he lodged the complaint with the Arakkonam Railway police. P.W.1 admits his signature on the first information and the same is marked as exhibit P.1.

(b) P.W.1 further states that, After few days police called him to the police station by stating that they have recovered a part of his jewels in form of Golden Coin about 4 Sovereigns, which he got back as interim custody from court. He

identified the Golden coin in the photograph as his and the photograph is marked as Ex.P.2.

(c) There is no major discrediting circumstance with respect to the theft that is brought out by the defence through the cross-examination P.W.1. **However, the evidence of P.W.1 is not helpful to the prosecution in establishing the involvement of the accused in the occurrence.**

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

(a) P.W.2, Mrs.Bakya W/o. Chandrasekhar reiterated the same facts said by the P.W.1.

(b) But, during the cross examination of the P.W.2 she stated that She didn't see the Accused persons in train at the time of alleged incident. Eventhough she travelled along with husband in train, from his evidence it can be presumed that Circumstantial evidence also not in favour of the prosecution case.

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

P.W.3, Mr.Mallika Arjunarao S/o. Venkatraman is an Hearsay witness to the case. As hearsay evidence has no evidentiary value, the evidence of P.W.4 does not incriminate the accused in any manner.

- **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. In this context, the evidence of witnesses, P.W.4, P.W.5, and P.W.7 assume great significance. Before moving to the evidence of them, it is important to see what P.W.10/Investigation Officer has to say about the arrest of the accused, alleged confession statement of the accused and recovery of the case property from them.

(b) P.W.10, Mrs. Jayanthi W/o. Kiran kumar is the Investigation Officer in the case. As per P.W.10, on 13.11.2017 at about 15.00 PM, the case property Gold Coin worth of 4 Sovereigns was recovered from the A2 accused's house located in vellore in the presence of witnesses, Santhosh kumar and Palani.

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

(a) P.W.4, Mr. Santhosh kumar S/o. Parasuraman is an alleged witness to the confession statement of A2 accused and seizure mahazar in the case. He stated that he can identify the accused, but due to the absence of the A2 accused at the time of examination, adverse inference was taken against her. In his chief-examination, P.W.4 states that, before 2 1/2 years one day at morning 06.00 AM police were enquiring an old lady at Jolarpet Police Station. At that time, the old lady gave a confession regarding theft of Jewels and stated that if they take her to that place, she may hand over the Jewels to them. Then Police took him and Palani along with that accused to that place, in where she handed over one Melted Golden Ingot to the police, worth of 4 Sovereigns. Through him, Admitted Portion of the Confession statement given by the A2 accused and Seizure Mahazar was respectively marked as Ex.P.3 and Ex.P.4.

(b) In his evidence, P.W.4 did not identify the recovered case property although the photograph of the jewels is marked as Ex.P.2. Further more, the recovered Material object was Golden Coin, but he deposed it as Melted Golden Ingot.

• **With respect to the evidence of P.W.5**

P.W.5, Mr. Venkadesan S/o. Mani is an alleged witness to the confession statement of A1 accused and seizure mahazar in the case. He identified the A1 accused at the dock. In his chief-examination, P.W.5 states that, before 4 years one day at morning 06.00 AM police were enquired A1 accused at Jolarpet railway Police Station. At that time, she gave a confession regarding theft of Jewels in train and stated that if they take her to that place, she may hand over the Jewels to them. Then Police took him and Tamilarasan along with that

accused to that place, in where she handed over Golden jewels to the police. Through him, Admitted Portion of the Confession statement given by the A1 accused and Seizure Mahazar was respectively marked as Ex.P.5 and Ex.P.6. In his evidence, P.W.5 did not identify the recovered case property.

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

(a) P.W.7, Mr.Palani S/o. Munusamy is an alleged witness to the confession statement of A2 accused and seizure mahazar in the case. He stated that he cannot identify the accused, as he seen her around 6 years before. In his chief-examination, P.W.7 states that, before 5-6 years one day at morning 06.00 AM police were enquiring an old lady at Jolarpet Police Station. At that time, the old lady gave a confession regarding theft of Jewels and stated that if they take her to that place, she may hand over the Jewels to them. Then Police took him and Santhosh along with that accused to that place, in where she handed over one Melted Golden Ingot to the police.

(b) 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.

(c) First and foremost, Case property alleged to be stolen were jewels. But, the recovered property from the accused was Golden Coin. In such a situation, the prosecution failed to establish the identity of the case property through the seizure mahazar witnesses.

(d) P.W.2 during her evidence had stated that while travelling in the train she didn't seen A1 to A3 accused at the time of incident. From which it can be perceived that Circumsatances of accused person being in train also not proved by the prosecution.

(e) 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 not proved beyond all reasonable doubts that the case properties were recovered from the accused 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 14.05.2017 is not proved beyond all reasonable doubts.

• **With respect to the evidence of P.W.8 and P.W.10**

(a) P.W.8, Mr.Manickam S/o. Perumal is the Sub-Inspector of Police who carried out the initial stage of investigation in the case. He deposed with respect to receipt of the first information, registration of First Information Report and submission of the case records for further investigation to the Superior Officer. Exhibits P.7 FIR was marked through P.W.8. The cross-examination of P.W.8 are not substantial.

(b) P.W.10, Mrs.Jayanthi W/o. Kirankumar is the Investigation Officer in the case. Since, the evidence of P.W.10 with respect to arrest of the accused, recording of his confession statement and recovery of the case property has been elaborately dealt with in the preceding parts of the judgement, the other parts of the evidence of P.W.10 is dealt with herein. P.W.10 deposed with respect to taking over the investigation, arrest of the accused, interrogation of witnesses, recording of confession statement of accused, seizure of case property, forwarding the case property to the Court and filing of Final Report by her superior officer in the case. Exhibits P.8 and P.9 were marked through P.W.10.

(c) 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 Conspired together and committed theft on the first informant and stolen gold jewellery, the silver articles and Rs. 4000/- 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

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, 1. Alamelu W/o. Rajendran, 2. Pakalammal W/o. Balan, 3. 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.**

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

Case property in C.P.No.19/2018 dated 09.02.2018 i.e., **சுமார் 4 சவரன் எடையுள்ள தங்க காசு -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.307 of 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. 117 of 2017 | A1. Alamelu | Rajendiran | - | Arukunda | 38 | 14.05.2017 | 15.05.2017 | 28.11.2017 | 24.01.2018 | - | 08.08.2019 | 25.03.2026 | 25.03.2026 | - | - | |
| | | A2. Pagalammal | Balan | - | Sainathapuram | 67 | 14.05.2017 | 15.05.2017 | 28.11.2017 | 24.01.2018 | - | 08.08.2019 | 25.03.2026 | 25.03.2026 | - | - | |
| | | A3.Rajendran | Ramu | - | Arukunda | 47 | 14.05.2017 | 15.05.2017 | 03.12.2018 | 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 | : | Tr. Chandirasekar S/o. Narasimmamurthi |
| 2) | P.W-2 | : | Tmt. Bakya W/o. Chandirasekaran |
| 3) | P.W-3 | : | Tr. Malliga Arjun RaO S/o. Venkatanarayanan |
| 4) | P.W-4 | : | Tr. Santhosh Kumar S/o. Parasuraman |
| 5) | P.W-5 | : | Tr. Venkatesan S/o. Mani |
| 6) | P.W-6 | : | Tr. Vinothkumar S/o. Devindiran |
| 7) | P.W-7 | : | Tr. Palani S/o. Munisamy |

| | | | |
|-----|---------------|---|-------------------------------------|
| 8) | P.W-8 | : | Tr. K. M. Rasa S/o. Chinna Munisamy |
| 9) | P.W-9 | : | Tr. Elangovan S/o. Ammasi |
| 10) | P.W-10 | : | Tmt. Jayanthi W/o. Kirankumar |

Prosecution side Exhibits:-

| | | | |
|----|---------------|---|---|
| 1) | Ex.P-1 | : | Complaint |
| 2) | Ex.P-2 | : | Photograph |
| 3) | Ex.P-3 | : | Admitted portion confession statement given by accused A2 |
| 4) | Ex.P-4 | : | Seizure Mahazar |
| 5) | Ex.P-5 | : | Admitted portion confession statement given by accused A1 |
| 6) | Ex.P-6 | : | Seizure Mahazar |
| 7) | Ex.P-7 | : | FIR |
| 8) | Ex.P-8 | : | Seizure Mahazar |
| 9) | Ex.P-9 | : | 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.**