



**IN THE COURT OF CHIEF JUDICIAL MAGISTRATE, THIRUPATHUR,
TIRUPATHUR DISTRICT.**

Present : **Selvi.M.K.Anusha, M.L.,**
Chief Judicial Magistrate,
Tirupathur.

Tuesday this the 30th day of June 2026
Thiruvalluvar Aandu 2057, Shri Vishwavasudharudam 16th day of Aani Thingal.
C.C.No.333/2026

CNR.No.TNTU020023842026

(Old CC.No.120/2021 on the file of Judicial Magistrate III, Tirupathur)

State Represented by
The Inspector of Police,
Alangayam Police Station

... Complainant.

Cr.No.15/2021
U/s 379 IPC

// Versus //

Murugan S/o. Narayanamoorthi

Accused.

1.	Serial Number	C.C.No.333/2026
2.	Name of the Police Station and the crime number of the offence.	Alangayam Police Station, Cr.No.15/2021
Description of the Accused		
3.	Name.	Murugan
4.	Father's Name.	Narayanamoorthi
5.	Occupation.	-

C.C. No.333/2026
Date:- 30.06.2026

M.K.Anusha,
C.J.M., Tirupathur



6.	Residence.	No.643, Kamaraj Nagar, 2 nd Street, Nethaji Nagar, Vaniyambadi Taluk.
7.	Age.	24
Date of		
8.	Occurrence.	29.07.2020
9.	Complaint.	17.02.2021
10.	Apprehension.	10.03.2021
11.	Release on bail.	Court Bail.
12.	Commitment.	-NA-
13.	Commencement of trial.	28.03.2023
14.	Closure of trial.	29.06.2026
15.	Sentence or order.	-----
16.	Service of copy of Judgment or finding on Accused.	-NA-
17.	Explanation for delay.	-
Case Summary		
18.	Period of Remand.	



19.	Date of filing of charge sheet.	23.04.2021		
20.	Date of Questioning under Section 251 Cr.P.C.	30.03.2023		
21.	Miscellaneous Petition and their results :	-Nil-		
22.	Date of examination in chief and cross.	PW's	Chief	Cross
		PW.1	04.05.2023	04.05.2023
		PW.2	01.06.2023	01.06.2023
		PW.3	01.06.2023	01.06.2023
		PW. 4	29.06.2026	29.06.2026
23.	Date of examination of the Accused under section 313 Cr.P.C.	30.06.2026		
24.	Details of the absconder of the Accused and his appearance/production.	-Nil-		
25.	Grant of Stay by superior court and the result thereof.	-Nil-		

This case has been heard in the presence of Assistant Public Prosecutor representing the state and Tr.C.Madhu, B.Com.,B.L., Counsel for the Accused and after hearing both side arguments and on perusing the entire materials on records and having stood over for my consideration till this date, this Court delivers the following,

**JUDGMENT**

1. The Inspector of Police, Alangayam Police Station has laid the final report under section 173(2) of the Code of Criminal Procedure, 1973, (in short, 'the Code') as against the Accused alleging that on 17.02.2021, the marginally noted Accused at the place in front of Defacto complainant's house, Narasingapuram Post, Rajapalaiyam Village had took away the two-wheeler belongs to Defacto complainant, Subramani. The defacto complainant who had parked vehicle bearing Reg.No. TN 23, 83 C 3694 Hero Splendor Plus owned by him in front of his house. Accused with a dishonest intention and to make wrongful gain took away the two-wheeler belongs to defacto complainant. Thereby, accused has committed the offence of theft. The accused is charged for the offences under section 379 of IPC. Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur.

2. On receipt of the final report along with relevant documents the learned Judicial Magistrate No.III, Tirupathur has taken on the file in CC.No.120/2021 and posted the case for appearance of the accused.

3. Copies of the documents relied upon by the prosecution were furnished to the accused u/s 207 Cr.P.C. Accused was questioned for the offense u/s 379 of IPC. He denied the offense and pleaded innocence. Thereafter, the above said case was transferred to this Court and new CC.No.333/2026 was assigned.



4. The prosecution has examined 04 witnesses and marked Ex.P.1 to Ex.P.7. On perusal of records the complaint is marked as Ex.P.1 and Photograph (2 Series) is marked as Ex.P.2 through PW.1. The Observation Mahazar is marked as Ex.P.2 in lieu of Ex.P.3 through PW.2. The Observation Mahazar is marked as Ex.P.2 through PW.3. The First Information Report is marked as Ex.P.2 in lieu Ex.P.4, Observation Mahazar is marked as Ex.P.3, Sketch is marked as Ex.P.4 in lieu of Ex.P.5, Seizure Mahazr is marked as Ex.P.5 in lieu of Ex.P.6, Form 91 is marked as Ex.P.6 in lieu of Ex.P.7 and Guilt portion of accused in Confession Statement is marked as Ex.P.7 in lieu Ex.P.8 through PW.4. The Observation Mahazar is marked thrice and three exhibit number is given to Observation Mahazar. The said error are noted by this Court at the time of pronouncement of Judgment. It is necessary to rearrange and reassign the exhibit numbers. The Observation Mahazar marked as Ex.P.2 is rearranged and reassigned as Ex.P.3, the First Information Report marked as Ex.P.2 is rearranged and reassigned as Ex.P.4, the Sketch marked as Ex.P.4 is rearranged and reassigned as Ex.P.5, the Seizure Mahazar marked as Ex.P.5 is rearranged and reassigned as Ex.P.6, the Form 91 marked as Ex.P.6 is rearranged and reassigned as Ex.P.7 and the Guilt portion of accused in Confession Statement marked as Ex.P.7 is rearranged and reassigned as Ex.P.8.



5. Case of the Prosecution :-

5.1. The case of the prosecution is that on 17.02.2021, the marginally noted Accused at the place in front of Defacto complainant's house, Narasingapuram Post, Rajapalaiyam Village had took away the two wheeler belongs to Defacto complainant, Subramani. The defacto complainant who had parked vehicle bearing Reg.No. TN 23, 83 C 3694 Hero Splendor Plus owned by him in front of his house. Accuse with a dishonest intention and to make wrongful gain took away the two-wheeler belongs to defacto complainant. Thereby, accused has committed the offence of theft. The accused is charged for the offences under section 379 of IPC . Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur. PW.1, Subramani has preferred a complaint in **Ex.P.1** against the accused before the Police Station.

5.2. The LW.1 was examined as PW.1. He was cited as witnesses on the side of prosecution for purpose of speaking about Theft of his two-wheeler and also preferring complaint before the Police Station. The complaint is marked as **Ex.P.1** and the two-wheeler bearing Reg.No. TN 83 C 3694 Hero Splendor Plus mentioned in Form-91 is marked as **Ex.P.7**. The LW.4/Uthayakumar and LW.5/Palani speaks about preparation of Observation Mahazar and Sketch by the investigation officer at the place of occurrence in their presence. LW.6 Thanveer Ahmed and LW.7 Hagif speaks about arrest of accused, recording of confession statement, Seizure of two-wheeler from accused in their



presence and remained as witnesses to the said documents. The Seizure Mahazar is marked as **Ex.P.6**. The Confession Statement is marked as **Ex.P.8**.

5.3. LW.8 Tr.Eswaran, Sub Inspector of Police has received the complaint and registered the case in Cr.No.15/2021, U/s 379 of IPC. The First Information report is marked as **Ex.P.4**. He went to the place of occurrence in the presence of PW2 Uthayakumar and PW.3 Palani has prepared the **Ex.P.2** Observation Mahazar and Sketch **Ex.P.5**. The case property seized in the presence of witnesses and confession statement was recorded in the presence of LW.6 Thanveer Ahmed and LW.7 Hagif. Form-91 is marked as **Ex.P.7**. Admission of guilt portion in confession statement was marked as **Ex.P.8**. The confession statement was recorded in the presence of LW.6 Thanveer Ahmed and LW.7 Hagif. The accused was arrested and produced before Judicial Magistrate for Judicial custody. Charge sheet is filed by LW.10 under section 379 of IPC as against the accused.

6. After examination of the prosecution witnesses the accused was examined u/s 313(l) (b) Cr.P.C with regard to the incriminating piece of evidence which appeared against him. The accused has denied the same and stated that the prosecution evidence is false. Further he had stated that he had nothing to say in the case and the defense has not chosen to examine any defense witness.

7. After hearing the prosecution case, the point that arose for determination is that



Whether the prosecution has proved the offences U/s. 379 of IPC as against the Accused beyond all reasonable doubts?

8. Contention of the Prosecution :-

The case of the prosecution is that on 17.02.2021, the marginally noted Accused at the place in front of Defacto complainant's house, Narasingapuram Post, Rajapalaiyam Village had took away the two wheeler belongs to Defacto complainant, Subramani. The defacto complainant who had parked vehicle bearing Reg.No. TN 23, 83 C 3694 Hero Splendor Plus owned by him in front of his house. Accuse with a dishonest intention and to make wrongful gain took away the two-wheeler belongs to defacto complainant. Thereby, accused has committed the offence of theft. The accused is charged for the offences under section 379 of IPC . Hence the final report laid down by the Inspector of Alangayam Police, Tirupathur.

9. Contention of the Defense :-

The learned counsel for the accused would contend that the accused was Innocent and never involved in the offense. Further none of the prosecution witnesses identified the accused and stated that the accused has committed the offense and the evidence of the prosecution witness does not corroborate with each other hence for the said reason the Learned counsel for the accused prays for the Acquittal of the accused.

**10. Discussion :-**

10.1. The defacto complainant is examined as PW.1 and deposed that the vehicle bearing Reg.No.TN 83 C 3694 parked in porch on 29.07.2020 at 11.00 P.M is found missing on the next day i.e., 30.07.2020 at 04.00 A.M. He was searching the vehicle for several days and waited for the period of six month. Since, the vehicle cannot be traced out by him and a complaint was lodged on 17.02.2021. The Police person called him after few days and informed that the vehicle was traced. The vehicle was identified by him in Police Station and he took the vehicle by filling a petition before the Court. The complaint and photograph are marked as Ex.P.1 and Ex.P.2. The case of prosecution is the vehicle parked by the defacto complainant on 17.02.2021 bearing Reg.No. TN 23, 83- C 3694 at out side of defacto complainant's house was stolen by the accused. The story narrated in Final Report, Complaint and evidence of PW.1 are found to be contradictory, discrepant, in-consistent. The case of prosecution is not supported by the evidence of prosecution. The vehicle number and occurrence is not proved by the prosecution. Therefore, the prosecution fails to prove the occurrence.

10.2. The PW.2 and PW.3 are witnesses to Observation Mahazar and they both deposed that the signature was affixed by them in house and Police Station. The witnesses expressed ignorance about the document. Mere Observation Mahazar and



Sketch are not sufficient to prove the case of prosecution. So, the evidence of PW.2 and PW.3 are not sufficient to prove the case of prosecution.

10.3. The Seizure Mahazar and Form 91 are marked on the side of prosecution. There is no evidences to support the version of prosecution that the vehicle is seized from the accused as alleged by them. The guilt portion of the accused in confession statement is marked. The evidences of prosecution are not sufficient to support the case of prosecution that the vehicle parked in porch of defacto complainant's house on 17.02.2021 is stolen by the accused. There is no explanation for the delay caused in preferring complaint. The cause of prosecution is not trust worthy. The prosecution fails to prove the case in all aspects.

11. As None of the prosecution witnesses identified that accused, intended to take or took away dishonestly the subject matter of property bearing Reg.No. TN 83 C 3694 Hero Splendor Plus and committed the offence of theft. The ingredients contemplated under section 379 IPC is not made out. There is no evidence as against accused for the commission of offence under section 379 of IPC.

13. Hence, this Court on the above stated facts and circumstance of the case come to the conclusion that the prosecution has not proved its case against the accused.

For the reasons stated above the point is decided accordingly.

**Result**

In the Result prosecution fails to prove the charges as against the accused U/s. 379 of IPC beyond all reasonable doubts and accused is found not guilty for the offences charged u/s 379 of IPC. Hence accused is acquitted as per section 248(1) Cr.P.C.

The bond executed shall stands cancelled.

The case property bearing Reg.No. TN 83 C 3694 was received in CP.No.76/2021 and was handed over to the defacto complainant/owner/Subramani as per order in CMP.No.3520/2021 dated 16.04.2021 by the learned Judicial Magistrate No.III, Tirupathur as interim custody. The property shall be retained by the owner after the lapse of appeal period. The bond executed shall stands cancelled.

Dictated by me to the Typist directly and computerized by his directly, corrected and pronounced by me in open Court on 30th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

**1.Prosecution side witness :-**

1. PW.1 Subramani.
2. PW.2 Uthayakumar.
3. PW.3 Palani.
4. PW.4 Tr.Manikandan, Sub Inspector of Police.

2. Prosecution side exhibits :-

S.No.	Exhibits	Date	Description of Documents
1.	Ex.P.1	17.02.2021	Complaint.
2.	Ex.P.2	-	Photos (2 Series).
3.	Ex.P.3	17.02.2021	Observation Mahazar.
4.	Ex.P.4	17.02.2021	First Information Report.
5.	Ex.P.5	17.02.2021	Rough Sketch.
6.	Ex.P.6	04.03.2021	Seizure Mahazar.
7.	Ex.P.7	10.03.2021	Form 91.
8.	Ex.P.8	04.03.2021	Guilt portion of the accused in confession statement.

Material Objects:- Nil

Defense side witness and Exhibits:- Nil

No witness detained more than 3 times

Dated at Tirupathur Taluk and District this the 30th day of June 2026.

M.K.Anusha,
Chief Judicial Magistrate,
Tirupathur.

C.C. No.333/2026
Date:- 30.06.2026

M.K.Anusha,
C.J.M., Tirupathur