

**In the Court of the Judicial Magistrate I, Tirupathur**

**Present: Tr.K.S.Dinesh, B.A.,B.L., (Hons.)**

**Judicial Magistrate I, Tirupathur**

**Thursday the 9<sup>th</sup> day of April 2026**

**C.C. No. 176/2025**

**{ CNR No. TNTU02-002710-2025 }**

State rep by.

Inspector of Police,

Tirupathur Town Police Station,

Crime No. 17/2025

....Complainant

--Vs--

1. Palani (40), S/o. Shanmugam,

Abdul Malik Street,

2. Karthik @ Gulfi (33), S/o.Natrajan,

Devangaer Street,

3. Jayamohan (37), S/o. Mahalingam,

Chinamadhar Street,

4. Ilaiyaraja (38), S/o.Shanmugam

Abdul Malik Street,

(All are residing at Tirupathur Town and District)

....Accused's

**CASE SUMMARY**

S. No.	PARTICULARS	DETAILS			
1	Period of remand of the accused	A1 to A4 Appeared U/s.35(3) and (4) BNSS Notice			
2	Date of filling of final report	08.05.2025			
3	Date of Questioning	08.08.2025			
4	Miscellaneous petitions and their results	U/s.359 BNSS Petition filed and dismissed on 23.03.2026			
5	Date of Examination in chief and cross examination of a witness	S. No	PW's	Chief	Cross
		1)	Tr.Sakthivel	07.10.2025	23.03.2026
		2)	Tr. Ravi	02.04.2026	-
		3)	Tr.Dinesh Kumar	02.04.2026	02.04.2026
6	Date of examination of accused U/S. 313 Cr.P.C	09.04.2026			
7	Details of abscondence of the accused and his appearance	Nil			
8	Grant of stay by Superior court and results thereof	Nil			

This case taken on file on 08.05.2025 as C.C. No.176/2025. This case came up before me for the final hearing on 09.04.2026 in the presence of Assistant Public Prosecutor Tmt.Ramani for the prosecution and Tr.P.Manimozhi Counsel for the accused and on hearing the arguments advanced by either side counsels and on perusal of entire evidence and the documents relied by either side and on available material case records and having stood over for consideration till this day, this court delivered the following.

**JUDGMENT**

1) This case arose out of charge sheet laid by the Inspector of Police, Tirupathur Town Police Station.

## 2) Summary of the Prosecution case :-

The Inspector of Police, Tirupathur Town Police Station has filed a final report that on 13.01.2025 at night 10.40 PM, LW1 and his friend Ravi were standing and talking and at that time ,accused A1 came and abused LW-1 and thereafter Accused A3, A4 kicked LW1 on his stomach and thereafter Accused A2 attacked LW1 using a wooden log on his head and caused simple injuries and thereafter the accused A1 to A4 threatened to kill LW1 and thereby committed offences punishable U/s. 296 (b), 115(2), 118 (1), 351(2) of BNS.

3) Summon was served to accused. Upon appearance of the accused A1 to A4, the documents relied on by prosecution were furnished free of cost to the accused U/s.230 of BNSS. Thereafter, after providing due time for reflection, the substance of accusation were put forth to the accused and the same was denied by him as false and claimed to be tried. Charges framed against the accused A1 U/s. 296 (b), 351(2) of BNS, A2 U/s. 118(1), 351(2) BNS, A3, A4 u/s. 115(2), 351(2) of BNS and the same were read over and explained to the accused A1 to A4. *Accused filed compromise petition under section 359 BNSS* and since the offences are not compoundable in nature, the petition was dismissed.

4) On the side of the prosecution P.W-1 to P.W-3 were examined and Ex.P-1 to Ex.P-6 were marked. Property was produced by prosecution side. On the side of the Accused side, no witnesses were examined.

**5) The case of the prosecution side witness in brief is as follows :-**

PW1 : PW1 is the victim and defacto complainant in the present case. He deposed that on 13.01.2025, problem between arose in his mother and the accused and on the same day at night 10.40 PM, when LW-1 finished his work and came back on his bike, at the time accused A1 abused LW-1 and thereafter Accused A3, A4 kicked LW1 on his stomach and thereafter Accused A2 attacked LW1 using a wooden log on his head and the injured LW1 was taken to Government hospital for treatment and he lodged Ex.P-1 Complaint statement and the wooden log was marked as PMO-1.

PW2 : PW2 is an eye witness in the present case. He deposed that he does not know anything about the incident and turned hostile.

PW3 : PW3 is the investigation officer who deposed that upon receiving Exb.P-1 complaint, he registered Exb.P-2 first information report in Cr. No.17/2025 and thereafter he visited the scene of occurrence and recorded the statement of witnesses and prepared Exb.P-4 Observation Mahazar, Exb.P-3 Rough sketch and thereafter, one wooden log was recovered from him through Ex.P-5 seizure mahazar in the presence of witnesses and thereafter he obtained the statement of the doctor who treated PW1 and obtained Ex.P.6 wound certificate and thereafter he completed his investigation and filed final report against the accused under sections 296(b), 115(2), 118 (1), 351(2) of BNS.

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) 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 charges framed against Accused A1 under section 296 (b) BNS. PW-1 who is the defacto complainant and the victim in the present case has deposed that the accused A1 abused PW-1. However PW-1 turned hostile in his cross-examination and stated that none of the accused abused him. The evidence of PW-1 is not reliable since he has turned hostile in his cross-examination. PW-2 who is an eye-witness and relative of PW-1 has also turned hostile and does not support the case of the prosecution. Furthermore the prosecution side witnesses are silent about the abusive words uttered by the accused against PW-1 and how the said words caused annoyance to PW-1 or others. Thus the prosecution side has miserably failed to prove the guilt of accused under section 296 (b) BNS. Thus section 296 (b) is not made out against the accused A1.

7.2) In the present case, Accused A2 is charged under section 118 (1) BNS for having attacked PW-1 using a wooden log and causing simple injuries. PW-1 who is the defacto complainant and the victim in the present case has clearly deposed in his chief examination that the accused A2 attacked him using a wooden log on his head. Furthermore the victim PW-1 has also identified PMO-1 as well. However it is pertinent to note that PW-1 turned hostile during his cross-examination and deposed that none of the accused attacked him. Thus the victim turned hostile and does not support the case of the prosecution. PW-2 who is an eye-witness to the incident has also turned hostile and does not support the case of the prosecution. Thus the prosecution side has miserably failed to prove the guilt of the accused A2 under section 118 (1) BNS. Thus section 118 (1) BNS is not made out against Accused A2.

7.3) In the present case, the accused A1 to A4 are charged under section 351(2) BNS. However none of the prosecution side witnesses including the victim PW-1 and eye-witness PW-2 deposed about any threatening made by the accused against PW1. Furthermore none of the other prosecution side witnesses also deposed about any threatening made by the accused against PW1. Thus the prosecution side has failed to prove the ingredients of section 351(2) BNS. Thus section 351(2) BNS is not made out against the accused A1 to A4.

7.4) In the present case, Accused A3, A4 are charged under section 115(2) of BNS. PW-1 who is the defacto complainant and the victim in the present case has clearly deposed in hi chief examination that the accused A3. A4 kicked him on his stomach. However it is pertinent to note that PW-1 turned hostile during his cross-examination and deposed that none of the accused attacked him. Thus the victim turned hostile and does not support the case of the prosecution. PW-2 who is an eye-witness to the incident has also turned hostile and does not support the case of the prosecution. Thus the prosecution side has miserably failed to prove the guilt of the accused under section 115(2) of BNS. Thus section 115(2) of BNS is not made out against Accused A3, A4.

08) Thus the prosecution side has miserably failed to prove the guilt of the accused A1 U/s. 296 (b), 351(2) of BNS, A2 U/s. 118(1), 351(2) BNS, A3, A4 u/s. 115(2), 351(2) of BNS and certainly the benefit of the doubt ought to be given to the Accused A1 and A4.

09) In the result, the accused are found not guilty A1 U/s. 296 (b), 351(2) of BNS, A2 U/s. 118(1), 351(2) BNS, A3, A4 u/s. 115(2), 351(2) of BNS and the accused A1 to A4 are acquitted under sections 271(1) of BNSS.

10) In respect of properties which are produced in C.P. No. 49/2025 one wooden log is ordered to be destroyed as per the procedure under the Criminal Rules of

Practice after the expiry of appeal duration. If no appeal for the case, the bond executed by the accused to be canceled.

**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		
	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	
1	Tirupathur Town PS and Cr.No. 17/2025	Palani	Shanmugam	-	Abdul Malik Street	40	13.01.2025	16.01.2025	03.06.2025	A1 to A4 Appeared U/s.35 (3) and (4) BNSS Notice	-	07.10.2025	02.04.2026	09.04.2026	-	-	
2		Karthik (Gulfi)	Natrajan	-	Devangaer Street	33											
3		Jayamohan	Mahalingam	-	Chinnamadhar Street	37											
4		Ilaiyaraja	Shanmugam	-	Abdul Malik Street	38											

Dictated by me, directly typed by the Steno-Typist, and corrected and pronounced by me in the open court on this 9<sup>th</sup> day of April 2026.

**Judicial Magistrate No.I,  
Tirupathur.**

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

1)	P.W-1	: Tr.Sakthivel
2)	P.W-2	: Tr. Ravi
3)	P.W-3	: Tr.Dinesh Kumar (SI of Police Town PS)

**Prosecution side Exhibits:-**

1)	Ex.P-1	: Complaint Statement
2)	Ex.P-2	: First Information Report
3)	Ex.P-3	: Rough Sketch
4)	Ex.P-4	: Observation Mahazar
5)	Ex.P.5	: Seizure Mahazar
6)	Ex.P.6	: Wound Certificate

**Prosecution side Material Objects :**

1)	PMO-1	: Wooden log
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**Defense Side Witness, Exhibits and Material objects : NIL****NOTE :-**

- 1) No witness was detained for more than three days without examination.
- 2) The police had been informed of the judgment.

**Judicial Magistrate No.I,  
Tirupathur.**