

IN THE COURT OF THE JUDICIAL MAGISTRATE No. III AT TIRUPATHUR

Present : S. KOVENDHAN B.A., LL.B., (Hons.)
Judicial Magistrate No. III (FAC), Tirupathur

On Friday, the 24th day of April, 2026

Calendar Case (C.C.) No.166 of 2019
in
Crime No. 58 of 2019

(On the file of Natrampalli Police Station)

CNR No.TNTU02 – 002965 -2019

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	Calendar Case (C.C.) No. 166 of 2019
2.	Name of the Police Station and Crime Number	State of Tamil Nadu Represented by its Special Sub-Inspector of Police, Natrampalli Police Station. Crime No.58 of 2019 ...Complainant
3.	Name of the Accused	1. MURUGAN (M/76 years) S/o. Perumal Mariyamman Koil Street, Mel Patchur Village, Natrampalli Taluk, Tirupathur District. Occupation: -- 2. MUNIYAMMAL (F/70 years) W/o. Murugan Mariyamman Koil Street, Mel Patchur Village, Natrampalli Taluk, Tirupathur District.
4.	Father's/ Husband name	
5.	Occupation	
6.	Residence	
7.	Age	

		Occupation: -- 3. SAMANNAN (M/- 75 years) S/o. Perumal Mariyamman Koil Street, Mel Patchur Village, Natrampalli Taluk, Tirupathur District. Occupation: -- 4. PALANI (M/-43 years) S/o. Murugan Mariyamman Koil Street, Mel Patchur Village, Natrampalli Taluk, Tirupathur District. Occupation: -- (As per order of this court in CrI.M.P 2978/2019 Dated: 06.03.2020, the accused, A3. Samannan and 4. Palani were added as additional accused.) ...Accused 1 to 4
8.	Date of Occurrence	01.02.2019 at about 07.30 Hrs.
9.	Date of Final Report and Date of Filing of Final Report	Date of Final Report: 20.02.2019 Date of Filing of Final Report: 10.04.2019
10.	Date of Apprehension	A1,A2- 03.02.2019 A3 to A4 – Not arrested
11.	Date of Release on bail	A1,A2 - 03.02.2019
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial (The date of furnishing of documents u/s.207, Cr.P.C)	03.11.2020
14.	The charge read out and explained to accused. Plea of	On 11.12.2020, charge was framed against the accused for the offences u/s.294(b), 324 and 506(ii) of the Indian Penal Code, 1860. When

	the accused	the charge was read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 242(1) of the Code of Criminal Procedure, 1973.
15.	Date of examination of the accused u/s 313(i)(b) of the code	18.03.2026
16.	Closure of Trial	22.04.2026
17.	Sentence or order	The 1 st accused, Murugan S/o. Perumal is found not guilty of the offence u/s. 294(b), 323 of the Indian Penal Code, 1860, 2 nd accused, Muniyammal W/o. Murugan is found not guilty of the offence u/s. 294(b), 326 of the Indian Penal Code, 1860, 3 rd and 4 th accused, Samannan S/o. Perumal, Palani S/o. Murugan are not found guilty of the offence u/s. 324 of the Indian Penal Code, 1860 and all the accused were ACQUITTED as per section 248(1) of the Code of Criminal Procedure, 1973.
18.	Service of copy of judgment 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	--
20.	Property Order u/s. 452 of the Code	--
21.	Counsel for the Complainant	Mrs.Usha, Assistant Public Prosecutor Grade-II
22.	Counsel for Accused	Mr.D. N. Amudanandan, 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 24.04.2026 in the presence of **Mr.D. N. Amudanandan** Advocate, 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 **24.04.2026[Friday]** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

- 1) The first informant in the case is, Mr.Rangasamy S/o. Rathinavel. There was previous enmity between the first informant and the accused over land. The case of the prosecution is that, on 01.02.2019 at about 07:30 A.M., the accused A1, A2 are abused the victim using obscene words and the accused A1 struck him on his knees with wooden log causing simple hurt and the accused A2 hit on his right wrist causing grievous hurt using wooden log.
- 2) Based on the first information statement received from the first informant at the Government Hospital, Tirupathur, First Information Report in Crime No.58 of 2019 dated 03.02.2019 was registered for the offences u/s.294(b) and 324 of Indian Penal Code, 1860 against Accused A1 and A2.
- 3) At the completion of investigation in the case, Final Report dated 20.02.2019 was laid out against the accused, 1.Murugan and 2. Muniyammal for the offences u/s.294(b), 324 and 326 of the Indian Penal Code, 1860. As per order of this court in CrI.M.P 2978/2019 Dated: 06.03.2020, the accused, A3. Samannan and 4. Palani were added as additional accused.

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 accused in compliance with section 207 of the Code on 03.11.2020.

- 5) Thereafter, on 07.11.2020, charge was framed against the accused 1 to 4 for the offences u/s.294(b), 323,324 and 326 of the Indian Penal Code, 1860. When the charge was read out and explained to the accused, they pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 242(1) of the Code of Criminal Procedure, 1973.

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.7. Exhibits P.1 to P.10 were marked on behalf of the prosecution. Material objects I,II were exhibited. P.W.1 is the first informant in the case. P.W.2 and P.W.3 is the observation mahazar and seizure mahazar witnesses to the occurrence. P.W.4 is an expert witness in the case. P.W.5 and P.W.6 are alleged eye-witness to the occurrence. P.W.7 is the Investigation Officer in the case.

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

- 7) The circumstances appearing in the evidence of the prosecution witnesses against the accused were put to them and their answer was elicited. The accused replied that the case against them is false. The accused further stated that there are no defence witnesses.

V. ARGUMENTS ADVANCED

- 8) The Learned Assistant Public Prosecutor appearing for the State did not place any oral or written submissions on behalf of the State. On the other hand, the Learned Counsel for the defence generally submitted that the prosecution failed to prove the charge against the accused beyond all reasonable doubts and hence, the accused ought to be acquitted.

VI. POINT FOR DETERMINATION

- 9) Whether the prosecution has proved beyond all reasonable doubts that the accused committed the offences charged against them?

VII. APPRECIATION OF EVIDENCE AND FACTS

- 10) As per the prosecution, on 01.02.2019 at about 07.30 AM, near the first informant's house, the accused abused the first informant using obscene words, hit on his knees and right-hand wrist using a wooden log. Hence, the prosecution charged the accused of the offences u/s. 294(b), 324 and 326 of the Indian Penal Code, 1860.
- 11) It is known to all that the witnesses are the eyes and ears of the Court; therefore, it is pivotal for this Court to introspect whether the involvement of the accused in the occurrence and the essential ingredients of the offences charged against the accused are proved or not through the evidence of the prosecution witnesses.

- ***With respect to the evidence of P.W.1***

- 12) P.W.1, Mr. Rangasamy S/o. Rathinavel is the first informant and alleged victim in the case. As accused were absent at the time of recording his evidence, accused was not identified in the dock. But, he had stated that he can identify them, if they were present. Hence, adverse inference was taken against them. P.W.1 stated that there exists a previous enmity between him and the accused over a land dispute. On 01.02.2019, at 07.30 AM when he was standing outside his house, all four accused above mentioned came there and hit him on his right hand wrist, left leg and on his head and Accused No. 1, 2 and 4 named above abused him in a filthy language. Thereafter he informed one named chennappan and he took him to hospital for treatment. He admits his first information statement and the same is marked as exhibit P.1. He identified the case properties produced before him were used by the

accused at the time of incident. Through him, Case properties wooden logs (2 no's) were marked as M.O.1 and 2.

- 13)** In his cross-examination, P.W.1 states that he gave complaint against all four accused. P.W.1 denied the suggestion put forth by the defence that a false case was lodged on account of the previous enmity between the parties. As per the contents of the first information, name of the 1st and 2nd accused were only mentioned as assailants.
- 14)** It is well settled law that mere usage of abusive words do not constitute an offence u/s.294(b) of the Indian Penal Code, 1860; (See: N. S. Madhanagopal & ANR. vs. K. Lalitha (2022 INSC 1323) hence, the facts to constitute the material ingredients of the offence u/s. 294(b) of IPC, 1860 is not made out. However, the evidence of P.W.1 contains the ingredients of the offences u/s.324, 326 of Indian Penal Code, 1860.

• ***With respect to the Wound Certificate of P.W.1***

- 15)** P.W.4 is the medical officer who gave treatment to the P.W.1. He had stated that, on 01.02.2019 at 10.10 AM when he was at Thirupathur G.H, P.W.1 accompanied by P.W.5 for Treatment. On Questioning he had stated that on the same day at 07.30 A.M one male and female persons hit him with wooden logs at his house. On examination, he have

1. Pain and contusion injury over his right hand and
2. 3*3 Centimeters of Abrasion injury on his both leg knee's. Based upon the injury sustained by him, he had given wound certificate (Ex.P.4) stating injury no.1 as Grievous and injury no.2 as Simple in nature.

There was a contradiction between the evidence of P.W.1 and the Wound Certificate regarding the number of assailants.

- ***With respect to the evidence of Observation and Seizure Mahazar Witnesses P.W.2 and P.W.3***

16) P.W.2, Mr.Nagesh S/o. Chennappan is an alleged witness to observation mahazar and seizure mahazar in the case. He denied the witness signature's shown to him in those documents as not of his own.

17) P.W.3, Mr.Subash Kumar S/o. Kathavarayan is another alleged witness to observation mahazar and seizure mahazar in the case. Even though he admitted the witness signature in those documents as of his own, he did not specifically stated about the preparation of observation mahazar and Seizure of Case property by the police at his Presence.

Hence, The evidence of them are not of any use to the prosecution.

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

18) P.W.4, Mr. Chennappan S/o. Kuppan is an alleged eye-witness to the occurrence. He states that he knows the accused in the dock. P.W.1 was his relative. He states that there exists a previous enmity between the accused and defacto complainant over land dispute. On 01.02.2019 at 7.30 AM when he was heading towards Sunnampatti village, all four accused mentioned above were hit him on his right hand fingers over wooden logs and also on his leg knee. In result of that he had sustained severe fracture on his fingers. Further states that he admitted P.W.1 in Tirupathur Govt Hospital. Also stated that Both A1 and A2 were Intimidating him to not depose in court regarding the incident.

19) P.W.4 denied the suggestion put forth by the defence that a false evidence was given by him, as P.W.1 was his relative.

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

20) P.W.6, Mrs.Chinnapappa S/o. Rabgasamy, is an alleged eye witness to the case. P.W.6 states that when he was cooking at her house at the time of incident, Accused named Murugan, Muniyamal and Palani were assaulted her husband, in particular accused Muniyammal hit her husband.

21) But, during the Cross examination of P.W.6 admits that she did not see the occurrence first hand. The evidence of P.W.6 is not of much help to the prosecution in incriminating the accused in the case. The evidence of P.W.6 is also not comprehensive.

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

22) P.W.7, Mr.Mani S/o. Settu is the Investigation Officer in the case.P.W.6 deposed with respect to receipt of the first information statement of the first informant at the Tirupathur Hospital on 03.02.2019, registration of First Information Report, visit to the scene of occurrence, preparation of rough sketch and observation mahazar, seizure of the case property from the scene of occurrence, interrogation of witnesses, arrest of the accused, preparation of alteration report, interrogation of the Doctors who treated the victim and Filing of Final Report in the case. Exhibits P.5 to P.10 were marked through P.W.7.

23) In his cross-examination, P.W.6 admits that P.W.1 on his First Information, 161 Statement and Information given to the Medical Officer had stated only about the Overtact of the 1st and 2nd accused. Further admits that Persons Present at the place of incident were not not added as witnesses to this case and stated that X-ray report of victim was not filed in this case.

Analysis

- 24)** Having discussed about the evidence of the prosecution witnesses at length, now it is time for this Court to analyse and render its findings as to whether the prosecution has proved the charge against the accused beyond all reasonable doubts.
- 25)** There are four accused in the case and 1st accused is charged of the offences u/s.294(b), 323 of the Indian Penal Code, 1860, 2nd accused is charged of the offences u/s.294(b), 326 of the Indian Penal Code, 1860, 3rd and 4th accused are charged of the offences u/s.294(b), 324 of the Indian Penal Code, 1860. As mentioned above, Offence u/s.294(b), Indian Penal Code, 1860 is not made out in the present case.
- 26)** Upon analysis of the evidence of the prosecution witnesses, this Court finds that there are several reasonable doubts in the prosecution case. The reasonable doubts are listed as below:

- a. *The number of persons involved in the occurrence and Overt acts done by them in the incident is not certain:* The first and foremost doubt is with respect to the number of persons alleged to be involved in the occurrence. In their evidence, P.W.1 had stated that all four accused assaulted him using wooden logs and caused injuries over his leg knee and on his hands.

Eyewitness P.W.5 had also stated that all four accused were assaulted P.W.1 at the time of incident. But, on perusing the complaint and First Information Report only 2 accused were mentioned, which gives room for suspicion over the prosecution case.

While this being so, in the wound certificate of the victim it is stated that “one male and one female Persons” were involved in the occurrence. Eventhough P.W.1 in his evidence had stated about the presence of four

accused persons at the incident, he didn't stated about the overt acts of the each accused particularly. Therefore, from the available evidence it is not clear as to how many persons were actually involved in the occurrence and what was their respective overt acts.

- b. **No independent witnesses are available to corroborate the testimony of the alleged victim:** This Court is conscious of the legal proposition that corroboration is only a rule of prudence and not a bare necessity in all cases. Whereas, when the facts and circumstances of a particular case warrant corroboration, Courts must look for corroboration. From the evidence of the alleged victim and other material witnesses it can be perceived that all the witnesses examined as eye witnesses in this case are relatives of the first informant and The Investigation Officer/P.W.7 agrees that no independent witness was examined by him. No convincing reason is attributed by the Investigation Officer for non-interrogation of the independent witnesses.

In the present case, since there exist doubts relating to the number of persons involved in the occurrence and also that the evidence of the prosecution witnesses with respect to the manner of occurrence and overt act of each accused is not consistent, corroboration of the evidence of witnesses, P.W.1 and P.W.5 by independent witnesses is warranted.

It is also important to mention that, Scene of Occurrence consists of several Houses. However, non-examination of such persons to substantiate the prosecution case gives room for suspicion.

Therefore, from the above paragraphs it can be well perceived that there are numerous inconsistencies and contradictions between the evidence of material witnesses, P.W.1 and P.W.5 and there is no corroboration by independent witnesses too. It is difficult to sift the grain from the chaff. Thus, this Court cannot proceed on the ambiguous evidence of the witnesses.

c. **Doubt over the Credibility of the First information statement given by the defacto Complainant:**

P.W.1 during his Cross examination had stated that he had given first information statement to the police at Police Station. But, in real the First information statement was recorded from victim when he was admitted in the hospital. *Although, this circumstance alone cannot be solely relied to doubt the entire prosecution case, this circumstance adds to the suspicion.* At one point in his cross-examination, P.W.1 states that he didn't lay his finger impression on any other statement recorded by the police.

- 27) Since, there are several reasonable doubts that exist in the prosecution case, the benefit of the said doubts should be accorded to the accused.**
- 28)** As per section 3 of the Indian Evidence Act, 1872, a fact is said to be proved if the Court *“after considering the matters before it, the Court either believes it to exist, or considers its existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it exists”*.
- 29)** In *Ananthakrishnan vs. K.G.Rangasamy (2020 4 CTC 411)*, the Hon'ble High Court of Madras held *“the expression “matters” in the definition of the word “proved” is not confined to the evidence alone. This expression includes and takes within its fold presumptions, inferences and admissions, etc. When the Court finds a particular fact said to be proved, it has to take all relevant materials and legal presumption and inference, etc., into account”*.
- 30)** In *M.G.Agarwal vs. State of Maharastra* it was held by the Hon'ble Supreme Court of India that once Court considers the evidence and decides whether that evidence proves a particular fact or not, the next question that arises is whether the fact leads to the inference of guilt of the accused person or not. In dealing with this aspect of the problem, the doctrine of benefit of doubt would apply.

31) Therefore, considering the matters before it, this Court considers that the prosecution failed to prove the alleged occurrence on 01.02.2019 in the manner alleged by the prosecution beyond all reasonable doubts. The role and involvement of the accused in the said occurrence is also not clearly established.

VIII. THE DECISION

32) In light of the discussion and findings arrived under the previous head, this Court holds that the accused, 1. Murguan, 2. Muniyammal, 3. Sammannan and 4. Pazhani are **FOUND NOT GUILTY and ACQUITTED** of the offences u/s.294(b), 323,324 and 326 of the Indian Penal Code, 1860 as per section 248(1) of the Code of Criminal Procedure, 1973.

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

33) Case Property in C.P.No.48 of 2019 dated 07.02.2019 i.e., “ 1) சுமார் 2 அடி நீளம் கொண்ட மரக்கட்டை -1, 2) சுமார் 1 3/4 அடி நீளம் கொண்ட மரக்கட்டை -1 ” shall be destructed at the expiry of the appeal period or be dealt with subject to the orders of the Appellate Court (if any).

34) 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.

Directly typed by me on my personal laptop, corrected and pronounced by me in Open Court on this 24th day of April, 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	Date of Examination	Date of cross examination	Exhibits Marked
1.	P.W.1	Tr. Rangasamy S/o. Rathinavel	24.10.2025	24.10.2025	P.1
2.	P.W.2	Tr. Nagesh S/o. Chennappa Naidu	14.11.2025	--	P.2
3.	P.W.3	Tr. Subashkumar S/o. Kathavarayan	14.11.2025	14.11.2025	P.2 and P.3
4.	P.W.4	Tr. Sivakumar S/o. Thangavel	27.11.2025	27.11.2025	P.4
5.	P.W.5	Tr. Chennappan S/o. Kuppan	27.11.2025	27.11.2025	--
6.	P.W.6	Tmt. Chinnapappa	17.03.2026	17.03.2026	--
7.	P.W.7	Tr. Mani S/o. Settu	17.03.2026	17.03.2026	P.5 to P.10

Documents:

S.No.	Exhibits	By whom marked	Date	Description of Document
1.	P.1	P.W.1	24.10.2025	Complaint Statement
2.	P.2	P.W.3	14.11.2025	Signature of P.W.3 as 2 nd witness in the observation mahazar
3.	P.3	P.W.3	14.11.2025	Signature of P.W.3 as 2 nd witness in the Seizure mahazar
4.	P.4	P.W.4	27.11.2025	Wound certificate
5.	P.5	P.W.7	17.03.2026	First Information Report in Crime No.58 of 2019 dated 03.02.2019

6.	P.6	P.W.7	17.03.2026	Observation Mahazar
7.	P.7	P.W.7	17.03.2026	Rough Sketch
8.	P.8	P.W.7	17.03.2026	Seizure Mahazar
9.	P.9	P.W.7	17.03.2026	Form-91
10.	P.10	P.W.7	17.03.2026	Section Alteration Report

Material Object:

S.No.	Material Object No.	By whom marked	Date	Description of Material Object
1	M.O.I,II	P.W.1	24.10.2025	மரக்கட்டைகள் (எண்ணிக்கை -2)

For Defence

Witnesses: Nil

Documents: Nil

Material Material Objects: Nil

Note:

- i. *The accused were 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.**