

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

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

On Monday, the 20th day of April, 2026

Summary Trial Case No. 1183 of 2025
in
Crime No. 48/2025

(On the file of Kurisilapet Police Station)

CNR No. TNTU02-003265-2025

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1.	Serial Number	S.T.C.No. 1183/2025
2.	Name of the Police Station and Crime Number	State of Tamil Nadu Represented by its Special Sub-Inspector of Police, Kurisilapet Police Station. Crime No.48/2025 ...Complainant
3.	Name of the Accused	A1. Ponnusamy, S/o.Appavugounder (60) A2. Natraj, S/o.Rajagopal (35) A3. Karthick, S/o.Munisamy (36) A1-A2 – Narayanapuram Village, Perumapattu Post, Tirupathur A3- Kallathur Village, Pudhukottai Post, Tirupathur. Occupation: Coolie ...Accused
4.	Father's name	
5.	Occupation	
6.	Residence	
7.	Age	
8.	Date of Occurrence	17.04.2025 at about 02.45 P.M.

9.	Date of Final Report and Date of Filing of Final Report	Date of Final Report: 07.05.2025 Date of Filing of Final Report: 26.05.2025
10.	Date of Apprehension	-
11.	Date of Release on bail	-
12.	Date of Commitment	Not Applicable
13.	Date of Commencement of Trial (The date of furnishing of documents u/s.230 of BNSS.)	08.01.2026. 03.09.2025
14.	The substance of accusation read out and explained to accused. Plea of the accused	On 08.09.2025, substance of accusation was asked to the accused for the offences u/s.296(b), 115(2) of BNS. When the questioning was read out to the accused, they pleaded it is a false case and they are not criminals. They were not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 274(1) of BNSS 2023.
15.	Date of examination of the accused u/s.351(1)(b) of BNSS.	20.04.2026
16.	Closure of Trial	20.04.2026
17.	Sentence or order	The accused, 1. Ponnusami is FOUND NOT GUILTY and ACQUITTED of the offences u/s. 296(b), 115(2) of the BNS, 2023, 2. Natraj, 3. Karthick are FOUND NOT GUILTY and ACQUITTED of the offences u/s. 115(2) of the BNS, 2023, as

		per section 278(1) of the BNSS, 2023.
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. 498 of BNSS.	-
21.	Counsel for the Complainant	Selvi.Sakthi Assistant Public Prosecutor Grade-II
22.	Counsel for Accused	Mr.M.Suresh 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 20.04.2026 in the presence of Mr.M.Suresh Advocate, for the accused and the learned Assistant Public Prosecutor **Selvi.Sakthi** for the State. Having heard both sides, perused the records and having stood over it for consideration, this Court on **20.04.2026[Monday]** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

(i) The first informant and alleged victim in the case is, Mr. Eshwaran S/o.Appau gounder. The case of the prosecution is that, on 17.04.2025 at about 02:45 PM, at around Irunapattu Bus stand, the A1 accused abused the victim using obscene words and hit him on his face, A2 accused kicked victim's right leg and A3 accused hit on his neck through his hand and thereby caused simple injury to the defacto complainant. Based on the first information statement received from the first informant at the Government Hospital, Tirupathur, First

Information Report in Crime No.48 of 2025 dated 19.04.2025 was registered for the offences u/s.296(b), 115(2) of BNS, 2023.

(ii) At the completion of investigation in the case, Final Report dated 07.05.2025 was laid out against the A1 accused Ponnusamy, for the offences u/s.296(b), 115(2) of BNS, 2023 and the A2 accused Natraj, A3 accused Karthik for the offence u/s. 115(2) of BNS, 2023.

II. THE CHARGE AND PLEA OF ACCUSED

(i) Upon service of the summons u/s.227 of the BNSS, 2023 (“Code”) and appearance of the accused; copies of the final report and documents were given to accused in compliance with section 230 of the Code.

(ii) Thereafter, the Substance of Accusation was explained against the A1 to A3 accused for the offences u/s.296(b), 115(2) of BNS, 2023 in compliance with Sec.274 of the Code. When the Substance of Accusation was read out and explained to the accused, he pleaded not guilty and claimed to be tried. Hence, the case was posted for trial in accordance with section 277(1) of the BNSS, 2023.

III. EVIDENCE ADDUCED BY THE PROSECUTION

(i) In order to prove the charges against the accused, the prosecution examined witnesses, P.W.1 to P.W.5. Exhibits P.1 to P.8 were marked on behalf of the prosecution.

(ii) P.W.1 is the first informant in the case. P.W.2 is the Expert witness. P.W.3 and P.W.5 are the Observation Mahazar witnesses to the occurrence. P.W.4 is the Investigation Officer in the case.

IV. QUESTIONING u/s.351 (1)(b) OF BNSS, 2023

The circumstances appearing in the evidence of the prosecution witnesses against the accused were 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.

V. ARGUMENTS ADVANCED

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

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

VII. APPRECIATION OF EVIDENCE AND FACTS

(i) As per the prosecution, on 17.04.2025 at about 02:45 PM, at around Irunapattu Bus stand, the A1 accused abused the victim using obscene words and hit him on his face, A2 accused kicked victim's right leg and A3 accused hit on his neck through his hand and thereby caused simple injury to the defacto complainant. Hence, the prosecution charged the accused of the offences u/s.296(b), 115(2) of the BNS, 2023.

(ii) 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**

(i) P.W.1, Mr. Eshwaran S/o. Appau Gounder is the first informant and alleged victim in the occurrence. In his chief-examination, P.W.1 stated that, A1 accused was his brother and there was previous enmity between him and the accused over land dispute. On 17.04.2025 at 01.00 P.M, when he was travelling from Andiyappanur Government hospital to his house in his two wheeler at around andiyappanur Bus Stop, A1 to A3 accused restrained him with an auto belongs to A3 accused and A1 abused him in filthy language and tried to attacked him. He replied them to come to Police station and left that place. After some time at 02.30 P.M, near to Irunapattu Bus Stop A1 to A3 accused restrained him. A3 accused hit him on his face and criminally intimidated him. A2 accused kicked his right leg. A1 to A3 accused attacked him intensively, when he restrained to give his mobile to them. A3 accused took his two wheeler key during the incident.

(ii) P.W.1 admits his signature on the first information statement and the same is marked as exhibit P.1. He further stated that he took treatment at the Government Hospital, Tirupathur.

(iii) In her cross-examination, he outrightly denied the suggestions put forth by the Defence side counsel.

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

P.W.2 is the medical officer who gave treatment to the P.W.1. He had stated that, on 17.04.2025 at 08.45 P.M when he was at Thirupathur G.H, P.W.1 came for Treatment. On Questioning he had stated that on the same day at 02.45 P.M three known male person hit him with Stone, hands and leg, near to Irunapattu village. On examination he had 2*1 Centimeters of Abrasion injury over his chest and also 1*0.5 Centimeters of Abrasion injury over his left forearm and also Contusion on his right leg. Based upon the injury sustained by him, he had given wound certificate (Ex.P.2) stating it as Simple Injury.

• **With respect to the evidence of Observation Mahazar Witnesses P.W.3 and P.W.5**

(i) Both P.W.3 & and P.W.5 had stated that signatures (Ex.P.3 and Ex.P.8) in the observation mahazar are them, and which was also marked as exhibits, P.W.3 had stated that he signed in a blank paper. From which it can be perceived that his evidence was not in favour of the Prosecution.

(ii) P.W.4, Mr.Mani S/o. Settu is the Investigation Officer in the case. P.W.4 deposed with respect to receipt of the first information statement of the first informant, registration of First Information Report, visit to the scene of occurrence, preparation of rough sketch and observation mahazar, interrogation of witnesses, interrogation of the Doctor who treated the victim and Filing of Final Report in the case. Exhibits P.4 to P.7 were marked through P.W.4.

(iii) In his cross-examination, P.W.4 admits that independent eyewitnesses witnesses were not added in this case to depose in favour of the Prosecution case. He out rightly denied the suggestions that documents prepared and witnesses examined were made at police station.

VIII. ANALYSIS

Having discussed about the evidence of the prosecution witnesses at length, now it is time for this Court to analyze and render its findings as to whether the prosecution has proved the charge against the accused beyond all reasonable doubts.

(i) The Hon'ble High Court, N.S. Madhanagopal & Anr. vs. K.Lalitha (2022 INSC 1323) in the case titled, "Mere usage of abusive words do not constitute an offence u/s. 294(b) of Indian penal code (296 (b) of BNS). Instead, there must be further proof that the obscene act or utterance was made to the annoyance of others" it has clarified.

(ii) Since the essential ingredients of Section 296(b) of the BNS were not present in this case, the offense was not proven against the accused.

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:

➤ **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. The Investigation Officer/P.W.4 agrees that no independent eyewitnesses was examined by him. The Investigation Officer failed to state the reason for non-interrogation of the independent witnesses, even though the incident happened at public place.
- P.W.1 in his evidence had stated that accused was his brother and there exists a previous enmity between them over a land dispute for 3 - 4 years. . In the present case, since there exists previous enmity between the complainant and the accused, corroboration of the evidence of witness, P.W.1 by independent witnesses is warranted. Hence, non-examination of independent witnesses to substantiate the prosecution case gives room for suspicion.

➤ **Lack of corroborative medical evidence for Prosecution case.**

- P.W.1 had stated in his evidence that accused A3 accused hit him on his face and criminally intimidated him. A2 accused kicked over his right leg. A1 to A3 accused attacked him intensively, when he restrained to give his mobile to them.

- But, In Ex.P.2 wound certificate it was not mentioned that P.W.1 had sustained injuries on his neck and on his face. Hence, evidence of P.W.1 is not corroborated with the medical evidence. Even though in wound certificate Contusion injury was mentioned on his right leg, failure to produce independent witnesses gives room for suspicion on prosecution case as there exists a previous enmity between the Defacto complainant and accused.
- Therefore, from the above paragraphs it can be well perceived that there are inconsistencies and contradictions between the evidence of Defacto Complainant P.W.1, expert witness P.W.2 and there is no corroboration by independent witnesses too. It is difficult to shift the grain from the chaff. Thus, this Court cannot proceed on the ambiguous evidence of the witnesses.

Since, there was reasonable doubts that exist in the prosecution case, the benefit of the said doubts should be accorded to the accused.

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*”.

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*”.

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.

Therefore, considering the matters before it, this Court considers that the prosecution failed to prove the alleged occurrence in the manner alleged by the prosecution beyond all reasonable doubts. As there exists a previous enmity between the Complainant and Accused, the role and involvement of the accused in the said occurrence is also not clearly established through Expert evidence and independent witnesses.

VIII. THE DECISION

In light of the discussion and findings arrived under the previous head, this Court holds that the **accused, 1. Ponnusami is FOUND NOT GUILTY and ACQUITTED of the offences u/s. 296(b), 115(2) of the BNS, 2023, 2. Natraj, 3. Karthick are FOUND NOT GUILTY and ACQUITTED of the offences u/s. 115(2) of the BNS, 2023, as per section 278(1) of the BNSS, 2023.**

Directly typed by me on my personal laptop, corrected and pronounced by me in Open Court on this 20th day of April, 2026.

**Judicial Magistrate No. II,
Tirupathur.**

LIST OF EVIDENCE

(As per Rule 107(1) of Criminal Rules of Practice, 2019)

Prosecution Witness

Prosecution Witness No.	Name of Witness	Description
P.W.1	Eswaran, S/o.Appavugounder	Complainant
P.W.2	Dr.Manojkumar, S/o.Karunamoorthy	Expert Witness
P.W.3	Arumugam, S/o.Srinivasan	Observation Magazar Witness
P.W.4	Mani (SSI of Police), Kurisilapet	Investigation Officer
P.W.5	Anbu, S/o.Rajamanickam	Observation Magazar Witness

Exhibited Documents:

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
P.1	Signature of P.W.1 as in Complaint Statement	P.W.1
P.2	Wound certificate of PW1	P.W.2
P.3	Signature of P.W.3 as 1 st witness in the Observation mahazar	P.W.3
P.4	Compliant Statement of P.W.1	P.W.4
P.5	First Information Report in Crime No.48 of 2025 dated 19.04.2025	P.W.4
P.6	Observation Magazar	P.W.4
P.7	Rough Sketch	P.W.4
P.8	Signature of P.W.5 as 2nd witness in the Observation Magazar	P.W.5

Material Object: - Nil

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. II,
Tirupathur.**

//True Copy//

**Judicial Magistrate No. II,
Tirupathur.**