

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 10th day of June 2026

C.C. No. 220 of 2021

{CNR No. TNTU02-010216-2021}

State rep by.

The Inspector of Police,

GRP Jolarpet Railway Police Station,

Crime No. 4/2021

.... Complainant

--Vs--

Karthikeyan (Karthi) (Age. 22) S/o. Elango

.... 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. 220 of 2021
2.	Name of the Police Station and Crime Number	The Inspector of Police, GRP Jolarpet Railway Police Station, Crime No. 4 of 2021 ...Complainant
3.	Name of the Accused	Karthikeyan (Karthi) ...Accused
4.	Father's name	Elango
5.	Occupation	--
6.	Residence	(Residing at No.114, Indhira Nagar, MGR Nagar, Thuthipattu Village, Ambur Taluk, Tirupathur District.)
7.	Age	22
8.	Date of Occurrence	23.12.2020
9.	Date of chargesheet and Date of which chargesheet was filed into Court	Date of Charge sheet: 01.08.2021 Date of filing of Charge sheet in Court: 23.10.2021
10.	Date of Apprehension	17.07.2021-18.08.2021,21.02.2024 -

		08.07.2024 and 26.09.2025 to till date
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.207, Cr.P.C.)	14.03.2022
14.	Charge framed against the accused u/s. 240(1) of the Code	16.03.2022
15.	Closure of Trial	10.06.2026
16.	Date of examination of the accused U/s. 313 of the code	26.05.2026
17.	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, Karthikeyan (Karthi) S/o. Elango is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 of Indian Penal Code, 1860 in accordance with section 248(1) of the Code of Criminal Procedure, 1973.
18.	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.
19.	Explanation of delay	The delay was occasioned due to the delay in production of witnesses by the prosecution.
20.	Property order u/s.452 of the Code of Criminal Procedure, 1973	Case property in C.P.No.108/2021 dated 19.07.2021 i.e., Samsung M21 Navy Colour Mobile Phone -1 handed over to the de-facto complainant as interim custody vide Order of this Court dated 20.02.2023 in Crl.M.P.No.2288/2023 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.
21.	Counsel for the Complainant	Mrs.Usha , Assistant Public Prosecutor Grade-II
22.	Counsel for Accused	Mr.D. Krishnan , 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 **10.06.2026** in the presence of **Mr.D. Krishnan, B.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 **10.06.2026** delivers the following,

JUDGMENT

I. CASE OF THE PROSECUTION

1. The first informant in the case is Mrs. Nithya W/o. Murugan. The case of the prosecution is that, on 23.12.2020 at about 03:15 AM, when the complainant was travelling in Nelagiri Express (02672) at S6 coach in Seat no.68,65 who placed her handbag contain Samsung M21 mobile, Aadhar Card, Pan Card, ATM Card, House key and her eye glasses and was in deep sleep, accused herein committed theft of that bag and the Samsung M21 mobile phone, Aadhaar Card, PAN Card, ATM card, house key, and spectacles that had been kept inside the bag .
2. Based on the complaint lodged by the de facto complainant, a First Information Report in Crime No. 346 of 2020 under Section 379 of the Indian Penal Code was registered at Chennai Central Railway Police Station. Since the place of occurrence fell within the jurisdiction of Jolarpet Railway Police Station, the complaint and the said FIR were transferred to the GRP, Jolarpet Railway Police Station. Thereafter, based upon that, Compliant and FIR transferred from, Chennai Central Railway Police station, a First Information Report in Crime No. 4 of 2021, dated 13.01.2021, was registered against unknown accused persons for the offence

punishable under Section 379 of the Indian Penal Code, 1860, at Jolarpet Railway Police Station. The accused was arrested in connection with this case on 17.07.2021.

3. At the completion of investigation in the case, Final Report dated 01.08.2021 was laid out against the accused, Karthikeyan (Karthi) S/o. Elango for the offences u/s.379 of the Indian Penal Code, 1860.

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 the accused in compliance with section 207 of the Code on 14.03.2022.
5. Thereafter, the charge for the offences u/s. 379 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, he 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

6. In order to prove the charge against the accused, the prosecution examined witnesses, P.W.1 to P.W.6. Exhibits P.1 to P.9 and M.O.1 was marked on behalf of the prosecution.
7. P.W.1 is the first informant in the case. P.W.2 is sanction/complaint witness to the incident. P.W.3 and P.W.5 are witnesses to the confession statement of the accused and seizure mahazar in the case. P.W.4 is the police officer who filed First Information Report in this case. P.W.6 is the Police officer who is the Investigation Officer in the case and filed Final Report against accused.

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

8. 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

9. 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

10. 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

11. As per the prosecution, on 23.12.2020 at about 03:15 AM, the accused had committed theft of Samsung M21 Mobile owned by the complainant travelling in the Nelagiri Express. Hence, the prosecution charged the accused of the offences u/s.379 of the Indian Penal Code, 1860.
12. 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.
13. 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.

14. 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**

15. P.W.1, Mrs. Nithya W/o. Murugan is the first informant/alleged victim in the occurrence. P.W.1 states that on 22.12.2020, P.W.1 and her husband travelled from Coimbatore to Chennai by the Nilgiri Express train, which departed at about 9.00 p.m. They had reserved berths in Coach S6. On 23.12.2020, when the P.W.1 woke up in the early morning before reaching Katpadi Railway Station, she found that her handbag contained cash of Rs.5,000/-, a Samsung M21 mobile phone, an Aadhaar Card, a PAN Card, and ATM cards was missing. In this regard, she lodged a complaint at the Chennai Central Railway Police Station, and the same is marked as Ex. P1. Thereafter, the police officials informed her that her complaint would be forwarded to the Jolarpet Railway Police Station.

16. P.W.1 further states that, few days later, the Jolarpet Police officials informed her that only her mobile phone had been recovered. The above said Samsung M21 blue coloured mobile phone (M.O.I) was handed over to the witness on interim custody, and its photograph is marked as Ex. P2.

17. **During her evidence P.W.1 didn't stated any information regarding the identity of the accused. Hence her evidence didn't incriminate the accused with the alleged theft.**

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

18.P.W.2, Mr. Murugan S/o. Arunachalam is husband of PW1 who travelled along with PW1. He reiterated the Scene as stated by P.W.1. He also didn't stated any information regarding the identity of the accused. The evidence of P.W.2 is not of any use to the prosecution.

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

19.P.W.4 deposed that, when she was serving as a Sub-Inspector of Police at Chennai Central Railway Police Station on 23.12.2020, P.W1, appeared before the Police Station and lodged a complaint. Based on the said complaint, I registered a case in Chennai Central Railway Police Station Crime No. 346 of 2020 under Section 379 IPC and the same as Ex.P4. Thereafter, during the preliminary investigation, it was revealed that the occurrence in this case had taken place within the jurisdiction of Jolarpettai Railway Police Station. Hence, for the purpose of further investigation, the First Information Report was forwarded through the XVI Metropolitan Magistrate Court, George Town, Chennai, to the concerned Court, and the case records were transferred to Jolarpettai Railway Police Station for further investigation.

● **With respect to the alleged recovery of the case property in the case**

20.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. In this context, the evidence of witnesses, P.W.3 and P.W.5 assume great significance. Before moving to the evidence of P.W.3 and 5, it is important to see what P.W.6/Investigation Officer has to say about the arrest of the accused, alleged confession statement of the accused and recovery of the case property from him.

21.P.W.6, Mr.Manogaran S/o. Andiyappan is the Investigation Officer in the case. With respect to the arrest of the accused and alleged recovery of the case property

from him, the evidence of P.W.6 is as follows:

"பின்னர் எனது பார்ட்டி சங்கீதமாய் 17.07.2021 அன்று காலை 09.00 மணிக்கு ஜோலார்பேட்டை இருப்பு பாதை நடைமேடை எண் 2,3 ல் ரோந்து சென்ற போது நடைமடையின் வடக்கு பகுதியின் கடைசியில் இருந்த ஒரு நபரை சந்தேகத்தின் பேரில் பிடித்து விசாரணை செய்ய அவர் முன்னுக்குப் பின் முரணாக அளித்த தகவலின் அடிப்படையில் சாட்சிகள் திரு. ரவி மற்றும் திரு. முருகன் ஆகியோர் முன்னிலையில் எதிரி கார்த்திகேயன் தானாக முன்வந்து கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அடிப்படையில் எதிரி கார்த்திகேயன் இவ்வழக்கில் ஈடுபட்டது தெரியவந்தது (எதிரி கொடுத்த ஒப்புதல் வாக்குமூலத்தின் அனுமதிக்கப்பட்ட பகுதி என்னால் அ.சா.ஆ 8 ஆக குறியீடு செய்யப்படுகிறது.) பின்னர் எதிரியை அன்றைய தினம் காலை 09.30 மணிக்கு காரணம் கூறி கைது செய்து நிலையம் அழைத்து வந்து மேற்படி அதே சாட்சி முன்னிலையில் எதிரி தானாக எடுத்து ஆஜர் செய்த Samsung M21, Navy Blue colour – செல்போன் -1 ஐ நான் கைப்பற்றுதல் மூலம் கைப்பற்றிக் கொண்டேன். பின்னர் கைப்பற்றப்பட்ட வழக்கு சொத்தினை படிவம் 91 மூலம் நீதிமன்றத்திற்கு அனுப்பி வைத்தேன். (அந்த படிவம் 91 அ.சா.ஆ.9 ஆக குறியீடு செய்யப்படுகிறது). பின்னர், கைது செய்யப்பட்ட எதிரியை உரிய திரேக பரிசோதனை செய்து நீதிமன்ற காவலுக்கு உட்படுத்தினேன். "

22.The admissible portion of the confession statement of the accused is marked as exhibit P.8 and the Form - 91 is marked as exhibit P.9.

23.As per P.W.6, on 17.07.2021 at about 12.00 PM, the case properties were recovered from the accused in the police station, in the presence of witnesses, Ravi and Murugan.

● **With respect to the evidence of P.W.3 and P.W.5**

24. P.W.3, Mr. Murugan S/o. Rathinavel and P.W.5, Mr. Ravi S/o. Pattabiraman are the alleged witnesses to the confession statement of accused and seizure mahazar in the case. He didn't identify the accused in the dock as long time has been passed, he could not remember him. P.W.3 deposed that one day morning at 09.00 A.M. when he did Tiffin business in Plat form No. 2,3, the police officials enquired a person and seized a cell phone from him, for which he had signed as a witness. He admitted that witness signature in the confession statement of the accused and Seizure Mahazar as his own. During the cross examination he deposed that, doesn't see the alleged recovery of cell phone from the accused. Ex. P3 seizure Mahazar was marked through him.

25. P.W.5 identified the accused in the dock and had deposed that, on 17.07.2021 at 09.30 AM when he did business in Platform No. 2, the accused was enquired by the Police officials and obtained the confession statement from the accused and he had signed in the same. His 1st signature in confession statement and seizure mahazar are marked as Ex. P5, P6 respectively. On court questioning about the recovery of property, he replied that three mobile phones were surrendered by the accused when police enquired him.

26. Even though P.W.5 (Confession Statement and Seizure Mahazar witnesses) had identified the accused and stated about the alleged recovery of case property from the accused, he did not stated that accused gave the alleged confession statement voluntarily. Hence, the admissibility of the alleged confession statement becomes questionable.

27. Hence, the evidence of P.W.3 and P.W.5 and the Investigation Officer/P.W.6 are contrary to each other.

28. The contradictory evidence of witnesses, P.W.3 and P.W.5 create a suspicion over the alleged recovery of the case property from the accused.
29. Recovery of case property based upon the confession statement given by the accused is generally a weak piece of evidence. Court must look into further corroborative evidence to substantiate the recovery made from the accused. Based upon the evidence of prosecution side witnesses no other corroborative evidence available to incriminate the accused with the alleged theft.
30. **Therefore, having due consideration to the overall facts and circumstances of the case and the evidence of prosecution witnesses, P.W.3 and P.W.5, this Court is of the view that it is not proved beyond all reasonable doubts that the case properties were recovered from the accused herein on 17.07.2021 at 12:00 Hrs in the manner alleged by the prosecution. Apart from the alleged recovery of the case property from the accused, based upon the Confession statement given by him, there is no other incriminating fact/material to connect the accused with the alleged occurrence. As the Prosecution had failed to link the Chain of Circumstances, proving the guilt of the accused, the involvement of the accused in the occurrence on 23.12.2020, remains Doubtful. As per Principles of Natural Justice, Benefit of Doubt should be given to the accused.**

VIII. THE DECISION

31. 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, Karthikeyan (Karthi) S/o. Elango is FOUND NOT GUILTY and ACQUITTED of the offences u/s.379 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

32.Case property in **C.P.No.108/2021 dated 19.07.2021** i.e., **Samsung M21 Navy Colour Mobile Phone -1** handed over to the de-facto complainant as interim custody vide Order of this Court dated 20.02.2023 in CrI.M.P.No.2288/2023 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

33.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 10th day of June, 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	Description of witness	Exhibits Marked
1.	P.W.1	Mrs. Nithya W/o. Murugan	First Informant	P.1, P.2 M.O. I
2.	P.W.2	Mr. Murugan S/o. Arunachalam	Sanction/Complaint Witness	--
3.	P.W.3	Mr. Murugan S/o. Rathinavel	Confession and Seizure Mahazar Witness	P.A2, P.3
4.	P.W.4	Mrs. Ramuthai W/o. Kannan	Other witness	P.4
5.	P.W.5	Mr. Ravi S/o. Pattabiram	Confession and Seizure Mahazar Witness	P.5, P.6
6.	P.W.6	Mr. Manogaran S/o. Andiyappan	Investigation Officer	P.7 to P.9

Documents:

S.No.	Exhibits	By whom marked	Date	Description of Document
1.	P.1	P.W.1	20.02.2023	Complaint
1.	P.2	P.W.1	20.02.2023	Photograph of the cell phone
2.	P.A2	P.W.3	24.03.2023	2 nd Signature at confession statement of the accused
3.	P.3	P.W.3	24.03.2023	Seizure Mahazar
4.	P.4	P.W.4	17.03.2026	First Information Report in Crime

				No.346 of 2020
5.	P.5	P.W.5	23.03.2026	1 st Signature at confession statement of the accused
6.	P.6	P.W.5	23.03.2026	1 st Signature at Seizure Mahazar
7.	P.7	P.W.6	23.03.2026	First Information Report in Crime No.4 of 2021
8.	P.8	P.W.6	23.03.2026	Admitted portion of confession statement of the accused
9.	P.9	P.W.6	23.03.2026	Form -91

Material Object

S.No.	Material Object	By whom marked	Date	Description of Material Object
1.	M.O -I	P.W.1	20.02.2023	Samsung M21 Blue Colour Cell Phone

For Defense

Witnesses: Nil

Documents: Nil

Material Objects: Nil

Note:

- i. *No witness was retained more than three times.*
- ii. *The outcome of the case shall be forthwith communicated to the complainant and the learned APP of this Court vide email.*
- iii. *At the time of recording deposition, Ex. P2 was marked 2 times for separate documents. Hence, for avoiding confusion "2nd signature at confession statement given by accused A1" was listed Ex.P. A2 in the list of exhibits.*
- iv. *Since, the accused is in judicial custody a copy of judgment is sent to concerned prison through mail.*

**Judicial Magistrate No. III (FAC),
Tirupathur.**