



**IN THE COURT OF THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KODAVASAL.**

Present: THIRU. M. MOHAMED ARSHAD FAREED, B.B.A., LLB., (HONS)
District Munsif Cum Judicial Magistrate, Kodavasal.

Monday, the 30th day of March, 2026.

C. C. No. 64 of 2025

(C.N.R No: TNTV15-000773-2025)

The State of Tamil Nadu,

Rep. by the Sub-Inspector of Police,
Kodavasal Police Station,
Crime No. 72/ 2025

....

Complainant

Vs.

A1- Mr. Manikkandan, S/o. Sivakumar,
Keezha Theru, Ettiyalur.

A2- Mr. Ayyappan, S/o. Kumar,
Vadakku Theru, Ettiyalur

....

Accused

This case came up for final hearing in the presence of Mr. Anand, Learned Assistant Public Prosecutor, Grade-I appearing for the State and Mr.G. Dheepan, B.E., LLB., Learned Advocate appearing for both accused. After hearing both sides and on perusal of records having stood over for consideration till this day, this Court delivers the following...



JUDGMENT

CASE IN BRIEF: -

1. The case of the prosecution is that there existed prior enmity between one Mr. James and the accused. On 23.02.2025, at about 5.00 p.m., while the defacto complainant, who is the daughter of the said James, was taking bath in the backyard of her house, the accused persons came there and enquired about her father. It is alleged that they abused her in obscene language and thereafter the accused removed her inner garments and assaulted her with their bare hands. It is further alleged that the accused criminally intimidated the defacto complainant with dire consequences. Upon her complaint, FIR was registered in crime number 72 of 2025 on Accused under sections 296(b),115(2),351(1) BNS R/W 4 of TNPHW ACT. After completion of investigation over the same, charge sheet is filed in this case stating that the accused are liable to be convicted for the offence punishable under Sections 296(b),115(2),351(1) BNS R/W 4 of TNPHW ACT.

THE CHARGE AND PLEA OF ACCUSED:-

2. Upon service of summons u/s 230 of BNSS and appearance of accused copies were given to accused in compliance with section 230 of BNSS. Since there existed prima facie case against accused, charges were framed against accused



accordingly for the offences punishable under section 296(b),115(2),351(1) BNS R/W 4 of TNPHW ACT. The charges so framed were read over explained to both accused. They pleaded not guilty and claimed to be tried. Hence trial was commenced.

EVIDENCE ADDUCED BY THE PROSECUTION:-

3. To prove its case, the prosecution has examined as many as ten witnesses, exhibited six documents. PW-1 is the de-facto complainant. PW-2 and PW-3 are the eye-witness to the occurrence. PW-4 is the Formal Witness. PW-5 and PW-6 are the Observation Mahazar witnesses, PW-7 and PW-8 are the Expert witnesses, PW-9 is the Duty Officer who received complaint from PW-1 and registered FIR and PW-10 is the Investigating Officer. On the defence side, neither witnesses examined nor exhibits marked.

GIST OF PROSECUTION EVIDENCE:-

4. PW-1 Mrs. Sowmiya being defacto complainant cum victim in this case deposed to the effect that there exists a previous enmity between the accused and her father. She further deposed that on 23.02.2025 at around 05.00 P.M., while she was taking bath in the backyard of her house, the accused persons came there, enquired about her father and thereafter abused her in obscene language, and removed her



inner garments and assaulted her with their bare hands. She further stated that the accused criminally intimidated the defacto complainant with dire consequences. She further deposed about the lodging of complaint to the police. During her examination, complaint given by him was marked as Exhibit P-1.

5. PW-2 Mrs. J.Sumithra and PW-3 Mr. K.James are being eye witnesses to the occurrence, deposed about the occurrence, overt act of the accused and corroborated the version of PW-1.

6. PW-4 is the formal witness. PW-5 and PW-6 are the witness to the preparation of observation mahazar witnesses.

7. PW-7 and PW-8 are the expert witnesses. During their examination, Accident Register registered by PW-7 and Medical Opinion given by PW-8 were marked as exhibit P-2 and P-3 respectively.

8. PW-9 Mr. Saminathan is the Duty Officer who registered FIR, which was marked as exhibit P-4.

9. PW-10 Mr.Ganesan is the Investigating Officer. He deposed about his part of investigation, inspection made by him at the place of occurrence, re-examination of witnesses, visit at the place of occurrence, the preparation of observation mahazar and rough sketch. Through him, the observation mahazar and rough sketch were



marked as exhibit P-5 and P-6 respectively. He further deposed about the examination of witnesses, recording of their statements. He further deposed about the completion of investigation and filing of charge sheet against the accused.

QUESTIONING U/S 351 of BNSS :-

10. When both accused were questioned under section 351 of BNSS with regard to the circumstances appearing in evidence against them, they denied the same as false evidence and did not afford any explanation.

POINTS FOR DETERMINATION:

11. The points to be determined in this case are –

- i. Whether the prosecution has proved the guilty of beyond accused beyond all reasonable doubts?

ARGUMENTS MADE ON BOTH SIDES:

12. The Learned Assistant Public Prosecutor argued that the prosecution case has been proved beyond all reasonable doubt and prayed for maximum sentence.

13. Per contra, the Learned Counsel appearing for these accused would argue that the accused are entitled to benefit of doubt as the prosecution failed to prove its



case beyond reasonable doubts. In the course of arguments, he put forth following contentions -

(i) Firstly, it is contended that the prosecution case not to be relied since the same is not supported by more number of independent witnesses.

(ii) Secondly, it is contended that the evidence of P.W-2 and PW-3 is to be discarded as interested witnesses since they are the parents PW-1 and they can very well be termed as interested witness.

(iii) Thirdly, it is contended that the prosecution case not to be relied upon as there is delay in lodging complaint and delay in lodging FIR.

(iv) Fourthly, it is contended that the evidence of prosecution witnesses not to be relied upon since there are minor contradiction between them.

CONSIDERATION OF AFORESAID CONTENTIONS:-

14. With regard to first contention that the prosecution case is not supported by more number of independent witnesses is concerned, this court considers that it is well settled position of law that the quality of witness which matters and not the quantity. The law in that regard is well settled even in the year 1957 in case of *Vadivel Thevar Vs. State of Madras (1957 AIR 614)*, wherein the Hon'ble Apex Court has confirmed a conviction in a murder case solely relying upon a single eye-witness. It was held as follows-



"...Section 134 of Indian Evidence Act enshrines the well recognized maxim that evidence has to be weighed and not counted. Our legislature has given statutory recognition to the fact that administration of justice may be hampered if a particular number of witnesses were to be insisted upon. It is not seldom that a crime has been in the presence of one witness, leaving aside those case which are not of uncommon occurrence, where determination of guilt depends entirely on circumstantial evidence. If the legislature were to insist upon plurality of witnesses, cases where the testimony of single witness only could be available in proof of the crime would go unpunished. It is here that the discretion of presiding judge comes into play. The matter thus must depend upon the circumstances of each case and quality of evidence of single witness whose testimony has to be either accepted or rejected if such a testimony is found by the court to be entirely reliable, there is no legal impediment to the conviction of the accused person on such proof. Even as a guilt of the accused person may be proved by the testimony of the single witness, the innocence of the accused person may be established on testimony of single witness even though a considerable number of witnesses may be forthcoming to testify to the truth of the case for the prosecution. Hence, in our opinion it is a sound and well-established rule of law that the court is concerned with the quality and not with the quantity of the evidence necessary for proving or disproving a fact..."

15. It is also pertinent here to mention that section 134 of Indian Evidence Act rules that, no particular number of witnesses is required to prove a particular fact. In the instant case, the prosecution version itself indicates that the occurrence took place



in the backyard of the house while P.W.1 was taking bath. In such circumstances, it is quite natural that no large number of persons would have been present to witness the occurrence. In view of the above reasons and discussion, this Court finds no merits in the first contention and rejects the same accordingly.

16. So far as the second contention namely confession witness are to be treated as interested witness, this Court is of considered view that merely because PW-5 and PW6 are the same villager of PW-1 it cannot be said that he would always depose false evidence and interested to depose false evidence. At this juncture, it would be pertinent to refer to a judgment of our Hon'ble Apex Court in ***Vinay Kumar Rai and Another. Vs. State of Bihar*** (2009 (1) SCC (Cri) 406) would run as follows-

“Merely because the eyewitnesses are family members, their evidence cannot per se be discarded. When there is allegation of interestedness, the same has to be established. Mere statement that being relatives of the deceased they are likely to falsely implicate the accused cannot be a ground to discard the evidence which is otherwise cogent and credible. Relationship is not a factor to affect credibility of a witness. It is more often than not that a relation would not conceal the actual culprit and make allegations against an innocent person. Foundation has to be laid if plea of false implication is made. In such cases, the Court has to adopt a careful approach and analyse evidence to find out whether it is cogent and credible.”

17. Further, certain excerpts from the judgment of Hon'ble Court in 2019 (4) MLJ (Cri) 408, would run as follows-



“We are living in an era, where the general public are not prepared to stand as a witness in a court, since they are frightened by the fact that judicial process taken its own time. Therefore, the police finds it very difficult to convince independent witnesses to stand as a witness in criminal case. Therefore, wherever the court finds that the witnesses who are related, have clearly stated about the incident and the same is supported/corroborated by other materials collected by the prosecution, the court can solely rely upon their evidence and it need not be discarded branding them as an interested witness”

18. This being the dictum regarding the interested witnesses, P.W-2 and PW-3 being the parents of PW-1, their evidence being not affected by any other infirmities cannot be rejected merely he is a known person of PW-1. Thus, in consequence, this Court considers that the second contention is also devoid of merits in the light of the above referred judgment and reasons. Hence, the second contention is rejected accordingly.

19. With regard to third contention namely there is delay in FIR is concerned, this court on careful perusal of case records, it would be pertinent to refer a judgment of our Hon'ble Apex Court in Mansingh Vs. State of M.P. dated : 11th day of April 2019 in which the court held that although there was delay in FIR, it did not serious prejudice to the appellants, as there was overwhelming evidence supporting the prosecution



20. In this regard, it would be pertinent to refer a judgment of our Hon'ble Apex Court in **CrI. A. No. 263 of 1994** (*State of Karnataka Vs. Yarappa Reddy*) dated : 5th day of October 1999 which would run as follows-

“.... It is well settled that even if the investigation is illegal or even suspicious, the rest of evidence must be scrutinized independently of the impact of it. Otherwise, Criminal trial will plummet to the level of the investigating officers ruling the roost. The Court must have predominance in criminal trials over the action taken by investigating officers. Criminal Justice should not be made the casualty for the wrongs committed by the investigating officers in the case. In other words, witnesses to the occurrence is true, the court is free to act on it albit investigating officer's suspicious role in the case”

21. Further, when the defense counsel questioned about the delay in FIR in the cross examination of PW-9 who very well deposed that CSR has been registered, which explains the delay in lodging of FIR. Hence, this court finds that the delay was satisfactorily explained and the prosecution evidence cannot be disbelieved solely on the ground of delay in registration of FIR. In view of the above discussion, the third contention is considered and rejected accordingly.

22. Nextly, with regard to the fourth contention pertaining to the minor contradictions between the evidence of prosecution witnesses, this court considers



such discrepancies to be trivial in nature and they are not strong and substantial enough to create a reasonable doubt over the prosecution case. It is settled question of law that, evidence of witnesses should be appreciated, bearing in mind that they are not robots or recording machine to give parrot like version. At this juncture, it would be pertinent to refer to a judgment of our Hon'ble Apex Court in **Mritunjoy Biswas vs. Pranb @ Kuti Biswas; 2013 CriL.J 4212(SC)** would run as follows-

“...It is well settled in law that the minor discrepancies are not to be given undue emphasis and the evidence is to be considered from the point of view of trustworthiness. The test is whether the same inspires confidence in the mind of the court. If the evidence is incredible and cannot be accepted by the test of prudence, then it may create a dent in the prosecution version. If an omission or discrepancy goes to the root of the matter and ushers in incongruities, it needs no special emphasis to state that every omission cannot take place of a material omission and, therefore, minor contradictions, inconsistencies or insignificant embellishments do not affect the core of the prosecution case and should not be taken to be a ground to reject the prosecution evidence. The omission should create a serious doubt about the truthfulness or creditworthiness of a witness. It is only the serious contradictions and omissions which materially affect prosecution case but not every contradiction or omission....”



23. At this juncture, it would also be pertinent to refer here certain excerpts from the judgment of Hon'ble Apex Court in **Inder Singh Vs. State AIR 1978 SC 1091**, where it was held regarding the concept of proof beyond reasonable doubt as follows

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Proof beyond reasonable doubt is a guideline, not a fetish – While it is necessary that proof beyond reasonable doubt should be adduced in all criminal cases, it is not necessary that it should be perfect:

"...Credibility of testimony, oral and circumstances, depends considerably on a judicial evaluation of the totality, not isolated scrutiny. While it is necessary that proof beyond reasonable doubt should be adduced in all criminal cases, it is not necessary that it should be perfect. If a case is proved too perfectly, it is argued that it is artificial; if a case has some flaws, inevitable because human being are prone to err, it is argued that it is, too imperfect. One wonders whether in the meticulous hypersensitivity to eliminate a rare innocent from being punished, many, guilty men must be callously allowed to escape. Proof beyond reasonable doubt is a guideline , not a fetish and guilty man cannot away with it because truth suffers some infirmity when projected through human processes . Judicial quest for perfect proof often accounts for police presentation of fool-proof concoction. Why fake up? Because the court asks for manufacture to make truth look true? No, we must be realistic..."

24. Therefore, in view of the above discussion and judgment, this court consider the discrepancies pointed out by the defence are trivial in nature and cannot be given



credit of disbelieving the prosecution case at whole. In consequence, the fourth contention is also disapproved accordingly.

APPRECIATION OF EVIDENCE:-

25. Before we delve in to the points for consideration, it is important to note that the Prosecution bears the burden of proof in criminal cases. As per section 101 of the Indian Evidence Act,1872 (hereinafter referred to as IEA), the burden is upon the prosecution to prove the case beyond reasonable doubt as against accused.

26. On perusal of evidence adduced by the prosecution, it reveals that the case substantially depends upon the evidence of PW-1 and PW-2. 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 accused A1 and A2 has been made out. Having considered the contentions of Learned Defence Counsels, it would now be appropriate to reproduce hereunder the evidence of material witness namely the PW-1 to PW-2 to scrutinize whether the facts proved by the prosecution would fall and fulfill the requirements of penal charges framed in this case.

Evaluation of evidence of PW-1 :-



27. P.W.1, Mrs.Sowmiya W/o. Prabhakaran is the first informant and alleged victim in the case. He identified the accused in the dock. When this court taken up the evidence of witness PW-1 for evaluation, it finds his evidence to be natural and inspiring the confidence of the court. His credibility is nowhere impeached during the cross examination.

The relevant extract of PW-1's evidence are-

“.....ஆஜர் எதிரிகளை இருவரையும் எனக்கு தெரியும். அவர்கள் எனது பெற்றோர் வீட்டிற்கு அருகில் வசிப்பவர்கள். எனது பெற்றோர் குடும்பத்திற்கும் ஆஜர் எதிரிகள் வீட்டிற்கும் வேலி பிரிப்பது சம்மந்தமாக முன்பகை இருந்தது. கடந்த 23.02.2025 ம் தேதி மதியம் 03.30 மணியளவில் ஆஜர் எதிரிகள் இருவரும் வந்து வேலியை பிரித்தார்கள். எனது அப்பாவை கெட்ட வார்த்தைகளால் திட்டினார்கள். அதே தினம் மாலை 05.00 மணியளவில் நான் எனது பெற்றோர் வீட்டு கொல்லையில் குளித்துக்கொண்டிருந்தேன் அப்போது ஆஜர் எதிரிகள் இருவரும் எங்கள் வீட்டு கொல்லைக்குள் வந்து எங்கடி உன் அப்பன் தேவடியா, குச்சிகாரி என அசிங்கமான வார்த்தைகளால் திட்டி எனது பாவாடையை அவிழ்த்து விட்டார்கள் (சாட்சி அழுதுக்கொண்டே சாட்சியம் அளிக்கிறார்) எதிரிகள் என்னை அசிங்கமாக திட்டியதால் எனக்கு கேவலமாகிவிட்டது. எதிரிகள் எனது பாவாடையை அவிழ்த்துவிட்டதால் எனக்கு கேவலமாகவும், அசிங்கமும் ஏற்பட்டது. திரும்பவும் அந்த ஊருக்குள் வருவதற்கு எனக்கு கேவலம் ஏற்பட்டது. ஆஜர் எதிரிகள் இவருவம் எனது கழுத்தில் கையை வைத்து என்னைக்கு இருந்தாலும் உன்னை கொல்லாமல் விடமாட்டேன் என்று மிரட்டினார்கள். அதனால் எனது பெற்றோர் வீட்டிற்கு சென்று இருப்பதற்கே எனக்கு பயமாக உள்ளது.எனக்கு ஏற்பட்ட எதிரிகள் என்னை மார்பில் குத்தியதால் எனக்கு வலி இருந்ததால் 108 ஆம்புலன்ஸ் மூலம் திருவாரூர் அரசு மருத்துவமனைக்கு சிகிச்சைக்காக எனது அம்மா கொண்டு போய் சேர்த்தார்.



நான் சிகிச்சையிலிருந்த போது குடவாசல் போலீசார் என்னை விசாரித்தார்கள். தற்போது என்னிடம் காட்டப்படும் புகார் வாக்குமூலத்திலுள்ள கையொப்பம் என்னுடையதுதான். அதிலுள்ள விபரங்கள் நான் சொன்னதுதான். அந்த புகார் வாக்குமூலம் அ.சா.ஆ.1 ஆக குறியீடு செய்யப்படுகிறது. நான் தொடர்ந்து 5 நாட்களை வரை திருவாரூர் அரசு மருத்துவமனையில் சிகிச்சையில் இருந்தேன். போலீசார் நான் புகார் கொடுத்த அன்று என்னை விசாரித்தார்கள்....”

28. Whereas, the defence did not establish the specific contradiction/material omission in the manner prescribed under section 145 of the Indian Evidence Act, 1872. Unless the contradiction is established in the manner prescribed by law, this Court cannot rely on it.

Evaluation of evidence of PW-2 :-

29. P.W.2, Mrs. Sumitha, wife of James, alleged to be an eye-witness to the occurrence. However, during cross-examination, She has categorically admitted that she did not witness the occurrence and that she was not present at the scene at the relevant point of time, as she had gone to her place of work. Such an admission goes to the root of the prosecution case, as it discredits her status as an eye-witness. In the absence of her direct knowledge of the incident, her testimony becomes purely hearsay in nature. Consequently, her evidence cannot be relied upon to corroborate the version of P.W.1 or to establish the occurrence as alleged by the prosecution.



Hence, the testimony of P.W.2 does not in any manner strengthen the prosecution case.

Evaluation of evidence of PW-3 :-

30. In her deposition, he confirmed that she is acquainted with the accused present before the Court.

The relevant extract of PW-3's evidence are-

“.....நான் தற்போது எட்டியலூரில் குடியிருந்து கம்பிபிட்டர் வேலை செய்து வருகிறேன். அ.சா.1 செளமியா எனது 2வது மகள். அவரை திருகண்ணபுரம் பிரபாகரன் என்பவருக்கு திருமணம் செய்து கொடுத்துள்ளேன். அ.சா.2 எனது மனைவி. ஆஜர் எதிரிகளை எனக்கு தெரியும். அவர்கள் எனது ஊரைச் சேர்ந்தவர்கள். 23.02.2025 ம் தேதி மதியம் 03.00 மணியளவில் 2 வது எதிரி ஐயப்பன் எனது வீட்டிற்கு பக்கத்தில் உள்ள கொல்லை வேலியை பிரித்தார். ஏன் பிரிக்கிறாய் என்று அவரிடம் கேட்டேன். அப்போது 1 வது எதிரி என்னை யாருடா வேலியை பிரிக்க கூடாது சொல்ற குச்சிகாரி, தேவடியா மவனே என்று அசிங்கமான வார்த்தைகளால் திட்டிவிட்டு சென்றுவிட்டார்கள். அன்றைய தினம் மாலை 05.00 மணியளவில் அ.சா.1 செளமியா எனது வீட்டு கொல்லையில் குளித்துக்கொண்டிருந்தார். அப்போது எதிரிகள் இருவரும் பாவாடையுடன் குளித்துக்கொண்டிருந்த எனது மகள் செளமியாவை இழுத்துக்கொண்டு வாசல் வீதிக்கு கொண்டு வந்தார்கள். குச்சிகாரி மவனே என்னைக்கு இருந்தாலும் உன் சாவு என் கையில் தான்



என்று எதிரிகள் இருவரும் அ.சா.1 ஐ பார்த்து மிரட்டினார்கள். அ.சா.1 ஐ 108 ஆம்புலன்ஸ் மூலம் திருவாரூர் அரசு மருத்துவமனைக்கு சிகிச்சைக்காக சேர்த்தார்கள். இது சம்மந்தமாக அ.சா.1 கொடுத்த புகாரில் 28 ம் தேதி போலீசார் என்னை விசாரித்தார்கள்.”

Evaluation Of evidence of observation mahazar witnesses namely PW-4 and PW-5:-

31. P.W.4 states that they do not know both the first informant and the accused in the dock. P.W.4 deposed that they do not know anything about the occurrence and that he signed the observation mahazar only at the instance of the police. Although, he was declared hostile to the prosecution case and examined u/s.154 of the Indian Evidence Act, 1872, no new fact in support of the prosecution case was elicited from the witness. The evidence of PW-4 is not of any use to the prosecution.

Evaluation Of evidence of confession witnesses namely PW-6 and PW-7:-

32. PW6, deposed the injuries inflicted upon the defacto complainant. Further, the evidence of P.W.1 with respect to the manner of occurrence and injuries sustained are also consistent with the contents of the Accident Register. The contents of the Accident Register and Wound Certificate were undisputed by the defence. The identity of the accused is also sufficiently established through



the evidence of P.W.1. The evidence of P.W.2/eye-witness to the occurrence also corroborates the evidence of P.W.1 in material particulars.

ANALYSIS AS TO CHARGES FRAMED AGAINST ACCUSED A-1 AND A-2

33. With regard to charges framed for offence u/s 296(b) of BNS is concerned, the provision read as follows

296. Obscene acts and songs.-- Whoever, to the annoyance of others,

(a) does any obscene act in any public place, or

(b) sings, recites or utters any obscene song, ballad or words, in or near any public place,

shall be punished with imprisonment of either description for a term which may extend to three months, or with fine, or with both

34. It is well settled law that mere usage of abusive words do not constitute an offence but there must be a further proof to establish that it was annoyance of others. u/s. 294(b) of the Indian Penal Code, 1860; (**See N.S. Madhanagopal & ANR. vs. K. Lalitha (2022 INSC 1323)**). In the instant case, as above said mere usage of abusive words does not constitute an offence u/s. 296(b) BNS and hence, based on the present



facts of the case, offence u/s. 296(b) BNS is not made out. Hence, this court concludes that the charge framed under section 296(b) BNS not proved.

35. As regards the offence under Section 115(2) of the Bharatiya Nyaya Sanhita, the essential requirement to be established is that the accused must have voluntarily caused hurt, and such act must be accompanied by the requisite intention or knowledge as contemplated under the provision. In the present case, P.W.1 has categorically deposed that both the accused assaulted her on her breast while she was bathing. Considering the place and circumstances of occurrence, namely the backyard of the house during bathing, it is quite natural that no independent witnesses would have been present to witness the incident. The version of P.W.1 is further supported by the medical evidence adduced through P.W.7 and P.W.8, along with the Accident Register (Ex.P2) and Wound Certificate (Ex.P3), which indicate that she had sustained pain in her breast region. As contemplated under Section 114 of the Bharatiya Nyaya Sanhita, the causing of bodily pain or infirmity amounts to “hurt.” In view of the consistent PW-1’s evidence and medical evidence, this Court is of the considered view that the ingredients of Section 115(2) of the Bharatiya Nyaya Sanhita stands proved.



36. With regard to charge framed for the offence u/s 351(1) of BNS, The twin essentials for the offence under section 506, Indian Penal Code to be attracted are;- i) The accused must have threatened the victim with the intention to cause alarm to the victim and ii) The victim must be alarmed by the threat.

37. In the instant case, the prosecution has failed to bring on record sufficient evidence to establish that the accused caused alarm or threat to the defacto complainant. Hence, this court concludes that the charge framed under section 351 (1) BNS stands not proved.

38. With regard to charge framed for the offence u/s 4 of TNPHW Act, the main ingredients, the essential ingredients to be established are: (i) that the accused subjected a woman to harassment, whether by words, acts, or conduct, and (ii) such acts must causes fear, shame or embarrassment to the victim.

39. In the present case, the allegation of harassment has not been sufficiently corroborated by other witnesses. This Court places reliance on the decision in Anbazhagan vs. State represented by Inspector of Police, Pallikaranai Police Station, Kancheepuram District [CDJ 2012 MHC 2168], wherein it has been held that the provisions of the Act would be attracted only when such harassment occurs in a public place. In the instant case, there is no evidence to establish that P.W.1 was



subjected to harassment in a public place. Hence, this Court is of the considered view that the charge under Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act has not been proved

40. 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*”.

41. In *Ananthkrishnan 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*”.

ANSWER TO POINT NO.1:-

42. Therefore, in the result of above discussion and evaluation, this Court holds that the prosecution has clearly established and proved the guilt of the accused A1 and also the ingredients of offences beyond all reasonable doubt, consequently, this Court holds that the accused A1 is guilty of offence punishable under sections



303(2) BNS and further this court holds that prosecution has failed to establish and prove the guilt of the accused A2, consequently, this Court holds that the accused A2 is not guilty of offence punishable under sections 317(2) BNS. **Thus, the point no.1 is answered accordingly.**

ANSWER TO POINT NO.2:-

43. Since the point no.1 is answered affirmatively that the accused are guilty of offences as aforesaid, when this court questioned about the quantum of sentence which has to be imposed upon them, accused submitted that

"தண்டனையை குறைத்து தாருங்கள்"

44. Taking into consideration the aforesaid submission of the accused and considering that the accused is a first-time offender with no previous criminal antecedents on record, this Court is inclined to take a lenient view while awarding sentence.

45. In the result,

(i) The Accused A1 is found guilty and stands convicted for the commission of offence punishable under section 115(2) BNS sentenced him to pay a fine of Rs.10,000/- (Rupees Ten



Thousand) and in default to undergo further simple imprisonment for one month.

(ii) The Accused A2 is found guilty and stands convicted for the commission of offence punishable under section 115(2) BNS sentenced him to pay a fine of Rs.10,000/- (Rupees Ten Thousand) and in default to undergo further simple imprisonment for one month.

46. This court by virtue of section 395 BNSS orders that the whole amount of fine recovered to be applied in the payment of compensation to the defacto complainant (PW-1 herein) who is the victim who suffered loss of time and energy, mental agony and shock caused by the offence. Such compensation is ordered to be paid after the lapse of appeal time as provided under the said section.

47. Since, no property produced in this case, therefore no order is made with regard to disposal of property as per section 498 of BNSS.

48. Taking into account, the nature and manner of commission of offence, this court considers that this accused is not entitled to claim the benefits provided under section 401 BNSS. and provisions of Probation of Offenders Act.



49. Bail bonds executed by the accused ordered to be cancelled after the lapse of appeal time.

Dictated by me to steno-typist directly and typed by her corrected and pronouncea by me on this 30th March, 2026.

(S/d. M. Mohamed Arshad Fareed)
District Munsif cum Judicial Magistrate,
Kodavasal.

List of Prosecution Witness:-			List of Prosecution side exhibits:-		
1	P.W.1	Mrs. Sowmiya	1	Ex.P-1	Complaint dated 28.02.2025.
2	P.W.2	Mrs. Sumithra	2	Ex.P-2	Accident Register given by PW7 dated 23.02.2025.
3	P.W.3	Mr. James	3	Ex.P-3	Medical Opinion given by PW8 dated 23.02.2025.
4	P.W.4	Mr. Prabhakaran	4	Ex.P-4	FIR dated 28.02.2025.
5	P.W.5	Mr. Veerachamy	5	Ex.P-5	Observation Mahasar dated 28.02.2025.
6	P.W.6	Mr. Ramalingham	6	Ex.P-6	Rough Sketch dated 28.02.2025.
7	P.W.7	Mr. Prabha			
8	P.W.8	Mr. Vikneshwaran			
9	P.W.9	Mr. Swaminathan			
10	P.W.10	Mr. Ganesan			



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List of Material Objects:-	List of Defence Witness and Exhibits:-
-NIL-	-NIL-

(S/d. M. Mohamed Arshad Fareed)
District Munsif cum Judicial Magistrate,
Kodavasal.

CASE SUMMARY

Sl.No.	Details	Particulars		
1	Period of Remand of the Accused	-		
2	Date of Filing of the Final Report	28.02.2026		
3	Date of Questioning of the Accused U/sec.316 BNSS	24.07.2025		
4	Filing of All Miscellaneous Petitions (Except 355 BNSS)	Petition No.	CrI.M.P.	Result
		-	-	-
5	Date of Examination in Chief and Cross examination of witnesses.	Chief		Cross
	Mrs. Sowmiya	PW-1	05.08.2025	05.08.2025
	Mrs. Sumithra	PW-2	05.08.2025	05.08.2025
	Mr. James	PW-3	05.08.2025	05.08.2025
	Mr. Prabhakaran	PW-4	05.08.2025	05.08.2025
	Mr. Veerachamy	PW-5	12.08.2025	-
	Mr. Ramalingham	PW-6	12.08.2025	-
	Mr. Prabha	PW-7	26.08.2025	26.08.2025



	Mr. Vikneshwaran	PW-8	07.10.2025	07.10.2025
	Mr. Swaminathan	PW-9	07.10.2025	07.10.2025
	Mr. Ganesan	PW-10	07.10.2025	07.10.2025
6	Date of Questioning U/sec. 351 BNSS		13.10.2025	
7	Details of abscondence of an accused		-	
8	Grant of Stay by Superior Courts		-	

(S/d. M. Mohamed Arshad Fareed)
District Munsif cum Judicial Magistrate,
Kodavasal.

// True Copy //

**District Munsif Cum Judicial Magistrate,
Kodavasal.**