



**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.

*Friday, the 8<sup>th</sup> day of May, 2026.*

**C. C. No. 142 of 2025**

**(C.N.R No: TNTV15-001224-2025)**

**The State of Tamil Nadu,**

Rep. by the Sub-Inspector of Police,

Eravanchery Police Station,

Crime No. 58/ 2025

....

**Complainant**

**Vs.**

**Ms. Roobila, S/o. Savuriyar,**

Azhiyan Thoppu Street, Madha Kovil Street,

Sembiyan Koonthalur.

....

**Accused**

This case came up for final hearing in the presence of Mr. S. Anand, B.A., B.L., Learned Assistant Public Prosecutor, Grade-II appearing for the State and Mr.S. Sabesan, M.A., B.L., Learned Advocate appearing for the 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 a prior enmity between the accused and defacto complainant arising out of a civil dispute. It is submitted that on 16.06.2025 at about 05.00 a.m., When the defacto complainant had gone to his backyard to clean the thorns over his yard, this accused came there and abused the defacto complainant in obscene languages. It is also further alleged that the accused assaulted him on the head with a sickle. Further alleged that the accused shown the sickle and criminally intimidated the defacto complainant with dire consequences. Upon his complaint, FIR was registered in crime number 58 of 2025 on Accused under sections 296(b), 118(1), 351(3) BNS. After completion of investigation over the same, charge sheet is filed in this case stating that the accused is liable to be convicted for the offence punishable under Sections 296(b), 118(1), 351(3) of BNS.

### 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 sections 296(b), 118(1), 351(3) BNS.



The charges so framed were read over explained to accused. She 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 nine witnesses, exhibited seven documents. PW-1 is the de-facto complainant. PW-2, PW-3 and PW-4 are the eye-witnesses to the occurrence. PW-5 and PW-7 are the Observation Mahazar witnesses to the occurrence. PW-6 and PW-8 are the Expert witnesses, PW-9 is the Investigating Officer who received complaint from PW-1 and registered FIR. On the defence side, neither witnesses examined nor exhibits marked.

**GIST OF PROSECUTION EVIDENCE:-**

4. PW-1 Mr. Paneerselvam being defacto complainant cum victim in this case deposed to the effect that the PW-1 and the accused have a prior enmity regarding a civil dispute. He further deposed that on 16.06.2025 at around 05.00 A.M., when the PW-1 had gone to his backyard to clean the thorns over his yard, this accused came there and abused the defacto complainant in obscene languages. He further deposed that the accused assaulted him on the head with a sickle. Further deposed that the accused showed the sickle and criminally intimidated the defacto complainant with dire consequences. He further deposed about the lodging of complaint to the police.



He further deposed about the lodging of complaint to the police. During his examination, complaint given by him was marked as Exhibit P-1.

5. PW-2 Mrs.Kala, Mr.Jacob Raja and Mr.Rajesh being eye witness to the occurrence, deposed about the occurrence, overt act of the accused and corroborated the version of PW-1.

6. PW-5 Mrs. Mohanapriya and PW-7 Mr. Ricky Pondy being Observation Mahasar witnesses, deposed about the occurrence. During PW-5 examination, Observation Mahasar was marked as exhibit P-2.

7. PW-6 and PW-8 are the Expert witnesses. During PW-6 examination, Accident Register by PW-6 Dr.Archana was marked as exhibit P-3.

8. PW-8 Mr.Manivelan is the expert witness. During his examination, Accident register given by Tiruvarur Medical College hospital was marked as exhibit P-4 and Medical opinion was marked as exhibit P-5.

9. PW-9 Mr. Samuvel 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, FIR and rough sketch were marked as exhibit P-6 and P-7 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 the accused was questioned under section 351 of BNSS with regard to the circumstances appearing in evidence against him, he 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 evidence of vital



eye witnesses are to be discarded as interested witnesses, since they are the relatives of defacto complainant.

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

(iii) Thirdly, it is contended that the prosecution case not to be relied as the weapon used against the defacto complainant has not been recovered.

(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 the first contention namely PW-2, PW-3 and PW-4 are to be treated as interested witnesses, this Court is of considered view that merely because PW-2 to PW-4 are the relatives of PW-1, it cannot be said that they would always depose false evidence and interested towards PW-1. 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.”*

15. This being the dictum regarding the interested witnesses even in case of relatives, PW-2 to PW-4 merely being relatives of PW-1, their evidence not being affected by any of the infirmities cannot be rejected merely they were relatives of PW1 and thus, this Court considers that the third contention is devoid of merits in the light of the above referred judgment and reasons. Therefore, this court is not inclined to accept the first contention and disapproves the same accordingly.

16. With regard to second 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 : 11<sup>th</sup> 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.



17. 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 : 5<sup>th</sup> 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 ....”*

18. 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 second contention is considered and rejected accordingly.

19. Nextly, with regard to the third contention pertaining to the non-recovery of weapon, this court considers that mere non-recovery of weapon not fatal to the case. At this juncture, it would be pertinent to refer to a judgment of our Hon'ble Apex Court in **State vs Laly @ Manikandan**, held that the recovery of weapon used in the commission of the offence is not a *Sine Qua Non* to convict the accused. And



further it was held that there can be a conviction on the basis of the deposition of the sole eye witness, if the said witness is found to be trustworthy. The same principle is also reiterated by the Supreme court in **Goverdhan & anr vs State of Chhattisgarh ( 2025 INSC 47)**. In the consequence, the third contention is also disproved accordingly.

20. 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-

*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....”*

21. 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 -

***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..."*

22. 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:-**

23. 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.

24. 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 have 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 :-**

25. P.W.1, Mr.Paneerselvam S/o. Antony Samy 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-**

“.....நான் தற்போது ஆழியன் தோப்பு செம்பியன் கூந்தலூரில் குடியிருந்து விவசாய வேலை செய்து வருகிறேன். ஆஜர் எதிரியை எனக்கு தெரியும். அவர் எனது பக்கத்து வீட்டில் வசித்து வருகிறார். கடந்த 16.06.2025 ம் தேதி மாலை 05.00 மணியளவில் நான் எனது வீட்டின் கொல்லையை சுத்தம் செய்வதற்காக சென்றேன். அப்போது எனது கொல்லைப்புறம் செல்லும் பாதையில் காட்டுக்கருவை முள் வெட்டி போடப்பட்டிருந்தது. அதை நான் எடுக்க போகும் போது அப்போது ஆஜர் எதிரி ரூபிலா ஏன் அந்த முள்ளை எடுக்குற என்று சொல்லி குச்சிகாரி மகனே, தேவிடியா மகனே என அசிங்கமான வார்த்தைகளால் திட்டி, மறைத்து வைத்திருந்த அரிவாளால் எனது



தலையில் வெட்டினார். அதில் எனக்கு பலமான காயம் ஏற்பட்டது. ஆஜர் எதிரி அரிவாளை வைத்துக்கொண்டு கொல்லாமல் விடமாட்டேன் என்றும் குடும்பத்தை அறுத்துவிடுவேன் என்றும் அரிவாளை வைத்துக்கொண்டு மிரட்டினார். அவ்வாறு மிரட்டியதால் எனக்கு மிகவும் மனஉளைச்சல் ஏற்பட்டது. எனக்கு ஏற்பட்ட காயத்திற்காக ரிக்கிபாண்டி என்பவரது ஆட்டோ மூலம் சிகிச்சைக்காக எனது மனைவி கலா மற்றும் ஜேக்கப், ராஜேஷ் ஆகியோர் உதவியுடன் நன்னிலம் அரசு மருத்துவமனைக்கு சென்றேன். அங்கு மருத்துவர் எனக்கு தலையில் ஏற்பட்ட காயத்திற்காக ஆறு தையல் போட்டார்கள். (சாட்சி தனது காயத்தை காட்டி சாட்சியம் அளிக்கிறார்.) மேல்சிகிச்சைக்காக 108 ஆம்புலன்ஸ் மூலமாக திருவாரூர் அரசு மருத்துவக்கல்லூரி மருத்துவமனைக்கு அனுப்பி வைத்தார்கள். நான் திருவாரூர் அரசு மருத்துவமனையில் சிகிச்சையில் இருந்த போது எரவாஞ்சேரி போலீசார் என்னை விசாரித்தார்கள். நான் நடந்த விபரத்தை போலீசாரிடம் சொன்னேன். அதை போலீசார் எழுதி கொண்டு படித்து காண்பித்தார்கள். அதில் நான் கையொப்பம் செய்தேன். தற்போது என்னிடம் காட்டப்படும் புகார் வாக்குமூலத்திலுள்ள கையொப்பம் என்னுடையதுதான். அந்த புகார் வாக்குமூலம் நான் கொடுத்ததுதான். அந்த புகார் வாக்குமூலம் அ.சா.ஆ.1 ஆக குறியீடு செய்யப்படுகிறது. எரவாஞ்சேரி போலீசார் என்னை விசாரித்தார்கள்.....”

26. 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 :-**

27. P.W.2, Mrs. Kala W/o. Paneerselvam is an alleged eye-witness to the occurrence. He states that he knows the accused in the dock.

**THE RELEVANT EXTRACT OF PW-2'S EVIDENCE ARE-**

“.....நான் தற்போது ஆழியன் தோப்பு செம்பியன் கூந்தலூரில் குடியிருந்து வீட்டுக்குடித்தனம் செய்து வருகிறேன். அ.சா.1 பன்னீர்செல்வம் எனது கணவர். ஆஜர் எதிரியை எனக்கு தெரியும். அவர் எனது பக்கத்து வீட்டு பெண். கடந்த 16.06.2025 ம் தேதி மாலை 05.00 மணியளவில் நானும் எனது கணவர் பன்னீர் செல்வமும் எங்கள் வீட்டின் கொல்லையை சுத்தம் செய்வதற்காக போனோம். அதில் அப்போது எனது கொல்லைப்புறம் செல்லும் பாதையில் காட்டுக்கருவை முள் கிடந்தது. அந்த முள்ளை எனது கணவர் எடுக்க போகும் போது அப்போது ஆஜர் எதிரி ரூபிலா ஏன் அந்த முள்ளை எடுக்குற என்று சொல்லி குச்சிகாரி மகனே, தேவிடியா மகனே என அசிங்கமான வார்த்தைகளால் திட்டி, மறைத்து வைத்திருந்த அரிவாளால் உன்னை வெட்டாமல் விடமாட்டேன் என்று எனது கணவரின் தலையில் வெட்டினார். அதில் அவருக்கு இரத்தக்காயம் ஏற்பட்டது. ஆஜர் எதிரி அரிவாளை வைத்துக்கொண்டு கொலை செய்யாமல் விடமாட்டேன் என்றும் குடும்பத்தை அறுத்துவிடுவேன் என்றும் அரிவாளை வைத்துக்கொண்டு மிரட்டினார். அவ்வாறு மிரட்டியதால் எனக்கு மிகவும் மனஉளைச்சல் ஏற்பட்டது. எனது



கணவருக்கு ஏற்பட்ட காயத்திற்காக ரிக்கிபாண்டி என்பவரது ஆட்டோ மூலம் சிகிச்சைக்காக நானும் மற்றும் ஜேக்கப், ராஜேஷ் ஆகியோர் உதவியுடன் எனது கணவரை நன்னிலம் அரசு மருத்துவமனைக்கு அழைத்து சென்றோம். அங்கு மருத்துவர் அவருக்கு தலையில் ஏற்பட்ட காயத்திற்காக ஆறு தையல் போட்டார்கள். மேல் சிகிச்சைக்காக 108 ஆம்புலன்ஸ் மூலமாக திருவாரூர் அரசு மருத்துவக்கல்லூரி மருத்துவமனைக்கு அனுப்பி வைத்தார்கள். இது சம்மந்தமாக எரவாஞ்சேரி போலீசார் என்னை விசாரித்தார்கள்.....”

### EVALUATION OF EVIDENCE OF PW-3

28. P.W.3, Mr. Jacob Raja, son of Denial, is an another alleged eye-witness to the occurrence. He states that he knows the accused in the dock.

### THE RELEVANT EXTRACT OF PW-3'S EVIDENCE ARE-

“.....நான் தற்போது ஆழியன் தோப்பு செம்பியன் கூந்தலூரில் குடியிருந்து விவசாய வேலை செய்து வருகிறேன். அ.சா.1 பன்னீர்செல்வம் , அ.சா.2 கலாவை எனக்கு தெரியும். அவர்கள் எனது உறவினர்கள். ஆஜர் எதிரியை எனக்கு தெரியும். அவர் எனது உறவினர் பெண். கடந்த 16.06.2025 ம் தேதி சாயந்திரம் 05.00 மணியளவில் நான் எனது தம்பி ராஜேசுடன் வீட்டு வாசலில் நின்று பேசிக்கொண்டிருந்தேன். அப்போது அ.சா.1 பன்னீர் செல்வம் வீட்டு கொல்லைக்கு போகும் வழியில் கருவை முள் போடப்பட்டிருந்தது. போற வழியில் கிடந்த முள்ளை அ.சா.1 பன்னீர்செல்வம் குனிந்து முள்ளை எடுத்தார். அப்போது ஆஜர் எதிரி



முள்மீது கையை வைக்காதே குச்சிகாரி மகனே, தேவிடியா மகனே என அசிங்கமான வார்த்தைகளால் அ.சா.1ஐ திட்டினார். அப்போது ஆஜர் எதிரி மறைத்து வைத்திருந்த அரிவாளால் அ.சா.1ஐ தலையில் வெட்டினார். அதில் அவருக்கு பலமான காயம் ஏற்பட்டது. அரிவாளை காட்டி அ.சா.1 மற்றும் அ.சா.2 ஐ பார்த்து மிரட்டினார். நானும் எனது தம்பியும் அ.சா.1 க்கு ஏற்பட்ட காயத்திற்காக அ.சா.2 கலா ஆகியோருடன் ரிக்கபாண்டி என்பவரது ஆட்டோ மூலம் நன்னிலம் அரசு மருத்துவமனைக்கு சிகிச்சைக்காக அழைத்து சென்றோம். அங்கு அவருக்கு தையல் போட்டார்கள். அ.சா.1 க்கு ஸ்கேன் செய்ய வேண்டும் என்பதற்காக மேல் சிகிச்சைக்காக 108 ஆம்புலன்ஸ் மூலமாக திருவாரூர் அரசு மருத்துவக்கல்லூரி மருத்துவமனைக்கு அனுப்பி வைத்தார்கள். இது சம்மந்தமாக எரவாஞ்சேரி போலீசார் என்னை விசாரித்தார்கள்.....”

#### EVALUATION OF EVIDENCE OF PW-4

29. P.W.4, Mr. Jacob Raja, son of Denial, is an another alleged eye-witness to the occurrence. He states that he knows the accused in the dock.

#### EVALUATION OF EVIDENCE OF OBSERVATION MAHAZAR WITNESSES

##### NAMELY PW-5 AND PW-7:-

30. P.W.5 and P.W.7 deposed that they are acquainted with both the defacto complainant and the accused present in the dock. They have further stated that they were aware of the occurrence and have admitted that they knew the contents of the mahazar. Hence Ex. P2 lends the credence to the prosecution case as it is relevant



under section 7 of IEA as facts constituting the state of things in which incident in question has happened.

**EVALUATION OF EVIDENCE OF EXPERT WITNESS NAMELY PW-6 AND**

**PW-8:-**

31. PW6 and PW-8 are the expert witnesses, who 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 to PW-4/eye-witness to the occurrence also corroborates the evidence of P.W.1 in material particulars

**ANALYSIS:-**

32. With regard to charges framed for offence u/s 296(b) of BNSS 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



33. 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.296(b) of BNSS;(See:**N.S. Madhanagopal & ANR. vs. K. Lalitha (2022 INSC 1323)**). In the instant case, as abovesaid mere usage of abusive words does not constitute an u/s. 296(b) of BNSS and hence, based on the present facts of the case, offence u/s.296(b) of BNSS is not made out. Hence, this court concludes that the charge framed under section 296(b) BNS stands not proved.

34. As regards the charge under Section 118(1) of BNS, the legal requirement is that simple hurt must be caused by a dangerous weapon, or by any instrument which, when used as a weapon of offence, is likely to cause death. In the present case, the charge under Section 118(1) of BNS has been invoked on the ground that Accused assaulted the defacto complainant with a sickle. The oral testimony of PW-1, the injured witness, clearly establishes that the accused hit him on the head with the sickle. This version is corroborated by PW-2 to PW-4, eye witnesses to the occurrence, who confirm the manner of assault and the weapon used. It is observed that the medical evidence adduced through PW-6 and PW-8, supported by the Accident Registers (Exhibit P-3 and P-4) and Wound Certificate (Exhibit P-5), reflects that the injury was caused by sickle. The fact of assault, the resulting injury, and the criminal intent of the assailant stand clearly established through consistent



ocular and medical evidence. Accordingly, this Court is of the view that the minor inconsistency in the description of the weapon used does not undermine the credibility of the prosecution's case. Hence, this court concludes that the charge framed under section 118(1) BNS stands proved.

35. With regard to charge framed for the offence u/s 351(3) BNS, The twin essentials for the offence under section 351, BNS 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 to life.

36. In the instant case, the prosecution has failed to bring on record sufficient evidence to establish that the accused caused alarm or threat to life to the defacto complainant. Hence, this court concludes that the charge framed under section 351(3) BNS stands not proved.

37. 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*".

38. 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”.*

**ANSWER TO POINT NO.1:-**

39. 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 and also the ingredients of offences beyond all reasonable doubt, consequently, this Court holds that the accused is guilty of offence punishable under section 118(1) BNS and further this court holds that accused is not guilty of offence punishable under sec 296(b), 351(3) of BNS. **Thus, the point no.1 is answered accordingly.**

**ANSWER TO POINT NO.2:-**

40. 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"**

41. The accused stated that she hails from a down-trodden family and is the sole breadwinner. The accused further stated that she has no previous criminal



antecedents and further considering that the accused is a female gender, Considering all these factors a lenient view has been taken against the accused.

**42. Therefore, this court convict the Accused:-**

**(i)For the commission of offence punishable under section 118(1) BNS and sentenced to pay a fine of Rs.10,000/-(Rupees Ten Thousand) in default to undergo further simple imprisonment for one month.**

43. 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.

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

45. 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.



46. 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 pronounced by me on this 08<sup>th</sup> May, 2026.*

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

Prosecution Witness No.	Name of Witness	Description
1	Mr. Paneerselvam	Complainant/First Informant
2	Mrs. Kala	Eye Witness
3	Mr. Jacob Raja	Eye Witness
4	Mr. Rajesh	Eye Witness
5	Mrs. Mohanpriya	Observation Mahasar Witness
6	Mr. Archana	Expert Witness
7	Mr. Ricky pondy	Observation Mahasar Witness
8	Mr. Manivelan	Expert Witness
9	Mr. Samuvel	Investigation Officer



<b>LIST OF PROSECUTION SIDE EVIDENCE CLOSED</b>
Ex.P1-Complaint dated 16.06.2025
Ex.P2-Observation Mahasar dated 16.06.2025
Ex.P3-Accident Register 16.06.2025
Ex.P4-Accident Register 16.06.2025
Ex.P5-Medical Opinion form 16.06.2025
Ex.P6-First Information Report 16.06.2025
Ex.P7-Rough Sketch dated 16.06.2025

<b>List of Material Objects:-</b>	<b>List of Defence Witness and Exhibits:-</b>
-NIL-	-NIL-

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

### **CASE SUMMARY**

<b>Sl.No.</b>	<b>Details</b>	<b>Particulars</b>		
1	Period of Remand of the Accused	-		
2	Date of Filing of the Final Report	22.09.2025		
3	Date of Questioning of the Accused U/sec.316 BNSS	10.10.2025		
4	Filing of All Miscellaneous Petitions (Except 355 BNSS)	Petition No.	Crl.M.P	Result
		348	21.11.25	Allowed
5	Date of Examination in Chief and Cross examination of witnesses.	Chief	Cross	



	Mr. Paneerselvam	PW-1	01.11.2025	16.02.2026
	Mrs. Kala	PW-2	01.11.2025	16.02.2026
	Mr. Jacob Raja	PW-3	01.11.2025	16.02.2026
	Mr. Rajesh	PW-4	20.01.2026	31.01.2026
	Mrs. Mohanpriya	PW-5	20.01.2026	20.01.2026
	Mr. Archana	PW-6	06.03.2026	06.03.2026
	Mr. Ricky pondy	PW-7	09.04.2026	09.04.2026
	Mr. Manivelan	PW-8	09.04.2026	09.04.2026
	Mr. Samuvel	PW-9	16.04.2026	16.04.2026
6	Date of Questioning U/sec. 351 BNSS		18.04.2026	
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.**