

**BEFORE THE SESSIONS DIVISION OF
VELLORE DISTRICT, TAMIL NADU**

Present:- Thiru.M.Elavarasan
Principal Sessions Judge, Vellore

Thursday, the 02nd day of July, 2026.

Sessions Case No.50 of 2025
CNR.No.TNVL-01-002523-2025

Name of the complainant		State Rep. by Inspector of Police Vellore North L & O Police Station. Cr.No.327 of 2024
Name of the Accused With Address	1	Chandiran @ Chinna(M-38/2024) S/o. Narayanan, No.100, SSK Maniyam, Kosapettai, Vellore Tamilnadu.
	2	Thirumalai, (M-32/2024) Son of Seethapathi Muthaliyar No.5/2 SSK Maniyam, Kosapettai, Vellore Tamilnadu.
Charges Framed		U/s 294(b), 397 and 506(ii) of IPC
Plea of the accused		Not Guilty
Finding of the Judge		Found Not guilty.
Court Order		Vide docket Sheet Attached.

DETAILS OF CASE SUMMARY :

The date of filing of the complaint	24.06.2024
The period of Remand of the Accused	A1- Chandran @ Chinna – 24.06.2024-14.08.2024 A2-Thirumalai – 24.06.2024 – 14.08.2024.
The date of filing of the police report in the court	24.04.2025
The date of committal of the case	17.05.2025
The date of questioning of the accused under section 228 of Cr.P.C.	08.01.2026
The filing of all miscellaneous petitions and their result including the results on challenge before superior courts : except routine petitions like petitions under Section 317 of the code	Nil
Date of examination of the accused U/s.313 of Cr.P.C	10.06.2026.
Details of abscondence of the accused	Nil
Grant of stay	Nil

Date of Examination in – chief and cross examination of witness:-

Examination of Witnesses		Date of Chief Examination	Date of Cross Examination
PW1	Raja	04.06.2026	04.06.2026
PW2	Dineshkumar	04.06.2026	04.06.2026
PW3	Muniyappan	04.06.2026	04.06.2026
PW4	Pattabi	04.06.2026	04.06.2026
PW5	Dharuman	04.06.2026	04.06.2026

(Committed by Tmt.V.Ranjitha, Judicial Magistrate IV, Vellore in P.R.C.No.33 of 2025, dated 17.05.2025).

This case having listed on 23.06.2026 for hearing before me in the presence of Thiru M.M.Parthiban, Public Prosecutor of this court and, of Tr.S. Balaji, Counsel for the accused, and upon hearing the arguments of both sides and, upon perusing the material records and, having stood over till this day, this court deliver the following:-

J U D G M E N T

Police Report:-

1) The case of Prosecution in brief, as set out in the Final Report as follows :-

The de facto complainant in this case, **Thiru Raja, S/o. Ganesan**, is residing with his family at Door No. C-18, Nehru Nagar, Vasanthapuram Road, Vellore Taluk and District. He is married and has three daughters and has been carrying on business as a curry leaves vendor at Vellore Long Bazaar for the past ten years. The accused in this case are (1) **Chandran @ Chinna**, and (2) **Thirumalai**. Both the accused are close associates, and are habitual offenders involved in the commission of crimes.

That on **24.06.2024**, at about **05.00 a.m.**, while the de facto complainant was engaged in his curry leaves business, he went near

the open shops at Anna Bazaar to answer the call of nature, where the accused, who were well known to him, approached him and demanded that he should also pay them weekly **mamool** (cut money), stating that all the shopkeepers in the locality were paying them such money. When the complainant replied that he was eking out his livelihood by doing roadside business and earning only a meager income and questioned how he could pay the demanded amount, the accused abused him in filthy language, calling him "njtpoah igah." Thereupon, the first accused, threatened that if they demanded money he should not refuse, that the very mention of their names would make the whole of Vellore tremble, and that they would not hesitate even to commit murder, and, saying so, took out a deadly knife concealed at his waist, pointed it at the complainant and caused him to fear for his life. At the same time, the second accused, demanded that the complainant should pay **Rs.1,000/- every week** as mamool (cut money) and also demanded the cash available in his pocket. When the complainant stated that he had no money, the first accused instructed the second accused to take the money from the complainant's pocket, whereupon the second accused forcibly taken **Rs.1,500/-** from the complainant's pocket and robbed him of the same. When nearby vegetable vendors

came forward to apprehend the accused, both the accused brandished the deadly knives in their possession, threatened the public with dire consequences, and escaped from the scene. Thereby, both the accused committed offences punishable under sections 392 r/w 397 of IPC.

Committal :--

2. The Judicial Magistrate No.IV, Vellore, on receipt of the police report, had taken the case on file as P.R.C.No. 33 of 2025. On appearance of both the accused, furnished copies of the relevant records and documents relied on by the prosecution u/s 209 of Cr.P.C. Thereafter, upon perusal of records, the said Judicial Magistrate came to a conclusion that the offences involved in this case is exclusively triable by the Court of Session and committed the case before this court.

Charges Framed:-

3. After committal, the case was taken on file in S.C. No.50 of 2025 by this Court for offences under Section 392 and 397 of the Indian Penal Code. Upon receipt of summons, the accused appeared before this Court and engaged counsels of their choice. After hearing the learned Public Prosecutor and the learned counsels for the accused, this Court framed charges against the accused U/s **294(b)**,

397 and 506(ii) of IPC. The charges were read over and explained to the accused in Tamil. When the contents of the charges were so read over and explained, the accused denied the same and claimed to be tried.

Evidence:-

4. In order to substantiate the case of the prosecution, **PW1 to PW5** were examined and **Ex.P1 to Ex.P8** were marked. **Material Objects M.O.1** was also produced before the Court.

5. The evidence adduced by the prosecution witnesses, in brief, is as follows:

(a) Evidence of PW1 – Defacto Complainant

PW1, Thiru. Raja, deposed evidence stating that he is residing at Vasanthapuram, Vellore, and is carrying on business on the Long Bazaar platform at Vellore Market. He stated that he does not know either of the accused. According to him, about two years prior to his deposition, though he does not remember the exact date or month, at about 5.00 a.m., while he was engaged in his business, the police called him, obtained his signature on a blank sheet of paper, and thereafter left. He categorically deposed that he does not know

anything about the present case and that the police never enquired with him in connection with the alleged occurrence. He admitted that the signature found in the complaint is his and identified the same, which was marked as **Ex.P1**, but stated that he is unaware of the contents written in the complaint above his signature.

Since PW1 resiled from his earlier statement given to the police, he was **treated as hostile** and cross-examined by the prosecution.

(b) Evidence of PW2 – Eyewitness

P.W.2 – Dinesh Kumar deposed that he is residing at Kosapet, Vellore, and is carrying on vegetable business at Anna Bazaar, near the open market shops, Vellore. He stated that he knows **P.W.1**, as P.W.1 is also doing business in the Vellore Market along with him, but he does not know either of the accused. According to him, about two years prior to his deposition, though he does not remember the exact date or month, the police came to him, enquired about his address, obtained his signature, and left. He further deposed that he has no knowledge as to what incident had taken place near the open market shops at Anna Bazaar and that he does not know anything about the present case. He categorically stated that he had not witnessed any

occurrence and that the police had not examined or enquired with him regarding the alleged incident. Accordingly, he did not support the prosecution case.

Since PW2 resiled from his earlier statement given to the police, he was **treated as hostile** and cross-examined by the prosecution.

(c) Evidence of PW3 – Mahazar Witness

P.W.3 – Muniyappan deposed that he is residing at Vasanthapuram, Vellore, and is carrying on business by running a footwear shop in the Old Fish Market, Vellore. He stated that he does not know P.W.1 or the accused persons. According to him, about two years prior to his deposition, on one day at about 7.00 a.m., the police visited the place where the alleged occurrence had taken place, prepared a document, obtained his signature therein, and also took photographs in his presence. He further deposed that he has no knowledge about the present case and that the police had not examined him regarding the alleged occurrence. On being shown the Observation Mahazar, he identified the first signature found therein as his own, and the said Observation Mahazar was marked as **Ex.P2**.

(d) Evidence of PW4 – Confession and Seizure Mahazar Witness

P.W.4 – Pattabi, the attesting witness to the confession statement and seizure mahazar, deposed that he is residing at M.G.R. Nagar, Old Town, Vellore, and has been working as a head-load worker in the Vellore Market for the past 30 years. He stated that he does not know P.W.1 or the accused persons and further deposed that he is not acquainted with the accused who were present before the Court. According to him, about one and a half years prior to his deposition, while he was carrying head-loads in the market, the police called him and obtained his signature on certain papers. When he enquired as to the purpose for obtaining his signature, the police merely instructed him to sign, whereupon he signed the documents. He further deposed that he has no knowledge about the present case and that the police had not examined him in connection with the alleged occurrence. On being shown the confession statement and the seizure mahazar, he identified the second witness signatures found therein as his own, which were marked as **Ex.P3** and **Ex.P4**, respectively.

Except admitting his signatures in **Exs.P3 and P4**, he did not support the prosecution case and disowned any knowledge either regarding the alleged confession or the recovery said to have been

effected in pursuance thereof.

(e) Evidence of PW5 – Investigating Officer

P.W.5 – Dharuman, the then Sub-Inspector of Police attached to Vellore North Police Station (Law and Order), deposed that he is presently serving as Sub-Inspector of Police at Pallikonda Police Station. He stated that on **24.06.2024**, while he was attached to Vellore North Police Station, at about **06.00 a.m.**, P.W.1 appeared before him and lodged a written complaint, which was marked as **Ex.P5**. Based on the said complaint, he registered a case in **Crime No.327 of 2024** against the accused for the offences punishable under Sections **392 and 397 IPC** and the First Information Report was marked as **Ex.P6**. He further deposed that he forwarded the original FIR and connected records to the jurisdictional Court through a police constable. Thereafter, he proceeded to the place of occurrence, namely, near the open market shops at Anna Bazaar, Vellore, where, in the presence of witnesses **Muniyappan** and **Mohideen**, he prepared the Observation Mahazar and thereafter drew the Rough Sketch of the scene of occurrence, which was marked as **Ex.P7**. He further deposed that he examined P.W.1, Akash, Dinesh Kumar, Muniyappan and Mohideen

and recorded their statements under Section 161 Cr.P.C. He further stated that on the same day at about **11.00 a.m.**, in the presence of witnesses **Murugan** and **Pattabi**, he arrested the accused near **Kottai Periyar Park**, Vellore, and at about **11.15 a.m.**, recorded the voluntary confession statement of the first accused, after obtaining the signatures of the witnesses and the accused therein. Pursuant to the admissible portion of the said confession, at about **12.00 noon**, in the presence of the very same witnesses, the first accused produced the knife alleged to have been used in the commission of the offence, which was seized under a Seizure Mahazar marked as **Ex.P8**, and the said knife was produced as **M.O.1**. He further deposed that thereafter he returned to the police station along with the accused and the case property, produced the accused before the jurisdictional Magistrate for judicial remand, and forwarded the seized material object to the Court under Form-91. He further stated that he examined witnesses **Murugan** and **Pattabi** and recorded their statements. Thereafter, as further investigation was to be carried out by the Inspector of Police, he placed the case records before the then Inspector of Police, **Srinivasan**, whose signature was familiar to him. The said Inspector took up further investigation, examined the typist **Annal Rebecca**,

who had typed the case records, recorded her statement, and also examined L.W.5 and recorded his statement. Upon completion of the investigation, the Inspector of Police laid the final report against the accused for the offences punishable under Sections **294(b), 392 and 506(ii) IPC** before the jurisdictional Court.

This is the gist of the prosecution case

6. The point for consideration is as to whether the prosecution has able to prove the charges framed **against the Accused** is proved beyond all reasonable doubts?

7. Heard both sides. Perused material records. Considered the submissions raised by both sides.

8. The case of the prosecution in brief is that P.W.1, who was carrying on curry leaves business at Anna Bazaar, Vellore, was allegedly approached by the accused on **24.06.2024** at about **5.00 a.m.**, while he had gone near the open market shops to answer the call of nature. The accused demanded cut money (mamool) from him and, when he refused, abused him in filthy language, criminally intimidated him by threatening him with a knife, and forcibly robbed him of a sum of **Rs.1,500/-** from his pocket. When nearby vendors

attempted to apprehend the accused, they threatened them with deadly weapons and escaped from the scene. On the basis of the complaint lodged by P.W.1, a case in **Crime No.327 of 2024** was registered. During investigation, the Investigating Officer prepared the Observation Mahazar and Rough Sketch, examined the witnesses, arrested the accused, recorded the alleged voluntary confession of the first accused, recovered a knife allegedly used in the commission of the offence under a Seizure Mahazar, and, upon completion of the investigation, laid the final report against the accused for the offences punishable under **Sections 294(b), 392 and 506(ii) of the Indian Penal Code**, alleging that they had abused, criminally intimidated, and robbed the de facto complainant in furtherance of their common intention.

9. In order to establish the charges, the prosecution examined five witnesses. PW1 Raja is the defacto complainant. PW2 Dinesh Kumar is said to be eye witness. PW3 Tr.Muniyappan is witness to Observation mahazar and Rough Sketch. PW4 Tr.Pattabi is one of the witness to Confession Statement and Seizure Mahazar. PW5 Tr.Dharuman, is the Sub Inspector who registered the case and conducted preliminary investigation and he deposed on behalf of the

Investigating Officer also.

10. The learned Assistant Public Prosecutor would submit that the prosecution has proved the guilt of the accused beyond all reasonable doubt through the oral and documentary evidence adduced before the Court. It is contended that the First Information Report was registered promptly on the basis of the complaint lodged by P.W.1 and that the investigation was conducted in a fair and proper manner. According to the learned Public Prosecutor, though P.Ws.1 to 4 did not support the prosecution case during trial, their previous statements given during the course of investigation and the evidence of P.W.5, coupled with the documentary evidence, clearly establish the registration of the case, the investigation conducted, the arrest of the accused, the recovery of the weapon alleged to have been used in the commission of the offence, and the filing of the final report. It is further contended that merely because the material witnesses have turned hostile, the prosecution case cannot be rejected in its entirety and that the evidence of the Investigating Officer can be relied upon to the extent it inspires confidence. Therefore, the learned Public Prosecutor prayed that the accused be found guilty of the offences charged and be convicted and sentenced

in accordance with law.

11. The learned counsel appearing for the accused vehemently contended that the prosecution has miserably failed to prove the charges framed against the accused beyond all reasonable doubt. It was submitted that the entire prosecution case rests upon the evidence of P.W.1, the defacto complainant, and the alleged eyewitnesses and mahazar witnesses, all of whom have completely resiled from their earlier statements and have not supported the prosecution in any manner. P.W.1 has categorically deposed that he does not know the accused, that he is unaware of the case, that the police merely obtained his signature on a blank paper, and that no enquiry was conducted with him. Likewise, P.W.2 has denied witnessing the occurrence, while P.Ws.3 and 4, who are the attesting witnesses to the Observation Mahazar, confession statement and seizure mahazar, have also disowned the prosecution case and have merely admitted their signatures in the respective documents without supporting the alleged preparation of mahazars, confession or recovery. It was further contended that in the absence of any substantive evidence from the complainant or independent witnesses, the evidence of the Investigating Officer alone is wholly

insufficient to establish the guilt of the accused.

12. The learned counsel further submitted that the prosecution has failed to establish the essential ingredients of the offences charged. Insofar as the charge under **Section 294(b) IPC** is concerned, there is absolutely no reliable evidence to prove that the accused uttered obscene words in or near a public place causing annoyance to any person, as the complainant himself has not supported the prosecution. With regard to the charge under **Section 397 IPC**, it was contended that the prosecution has failed to prove that the accused committed robbery while using a deadly weapon or that the complainant was put in fear of death or grievous hurt during the commission of the alleged robbery. The alleged recovery of the knife has also not been proved in accordance with law, since the seizure witnesses have turned hostile and have not supported either the confession or the recovery. Similarly, the ingredients of **Section 506(ii) IPC** have also not been established, as there is no trustworthy evidence to show that the accused criminally intimidated the complainant with threats to cause death or grievous hurt so as to alarm him. It was further argued that no independent witness has corroborated the prosecution version, though the alleged occurrence

is said to have taken place in a busy market area during business hours where several vendors were admittedly present.

13. The learned counsel also contended that the prosecution has failed to prove the alleged confession, recovery of M.O.1, and other incriminating circumstances in the manner known to law. The hostile testimony of all the material witnesses completely demolishes the prosecution case, and the previous statements recorded under Section 161 Cr.P.C. cannot be treated as substantive evidence. The evidence of the Investigating Officer can only prove the steps taken during investigation and cannot, by itself, establish the commission of the offences in the absence of reliable substantive evidence. It was therefore argued that the prosecution has failed to discharge its burden of proving the guilt of the accused beyond reasonable doubt and, consequently, the accused are entitled to the benefit of doubt and an honourable acquittal of all the charges.

14. The accused has been charged under sections 294(b), 397 and 506(ii) of IPC. In order to establish the charges, the defacto complainant is examined as PW1. The Complaint given by him

before the Vellore North Police Station dated 24.06.2024. Since the defacto complainant, who was examined as PW1 turned hostile, his signature alone is marked as Ex.P1. The said Complaint has been marked as Ex.P7 through the Investigating Officer. The recitals of the Complaint reads as follows :-

நான் சுமார் 10 வருடங்களாக வேலூர் லாங்கு பஜார் பிளாட்பாரத்தில் கருவேப்பிளை வியாபாரம் செய்து வருகிறேன். இன்று 24.06.2024 ஆம் தேதி காலை நான் கருவேப்பிளை வியாபாரம் செய்துக்கொண்டு இருந்தபோது காலை சுமார் 05.00 மணிக்கு நான் சிறுநீர் கழிப்பதற்காக அண்ணா பஜார் திறந்தவெளி கடைகள் அருகே சென்ற போது எனக்கு எதிரே வந்த எனக்கு ஏற்கனவே நன்கு தெரிந்த வேலூர் கொசப்பேட்டையை சேர்ந்த நாராயணன் மகன் சந்திரன் @ சின்னா மற்றும் சீதாபதியின் மகன் திருமலை ஆகிய இருவரும் என்னிடம் வந்து இங்கு உள்ள அனைத்து கடைகாரர்களும் எங்களுக்கு வார மாமூல் கொடுக்கிறார்கள். நீயும் எங்களுக்கு வாரம் மாமூல் கொடுக்க வேண்டும் என்று சொன்னார்கள். நான் அவர்களிடம் நானே ரோட்டில் 10க்கும் 20க்கும் வியாபாரம் செய்து வருகிறேன். என்னிடம் மாமூல் கேட்டால் எப்படி என்று சொன்னதும் சந்திரன் @ சின்னா என்பவன் என்னை பார்த்து நங்கோத்தா தேவிடியா பையா நாங்கள் பணம் கேட்டா இல்லைனு சொல்றியா நாங்க யார் தெரியுமா எங்க பேரை கேட்டால் வேலூரே அலறும் எங்க மேல் எத்தனை கேஸ் உள்ளது தெரியுமா நாங்க கொலை செய்ய

கூட தயங்கமாட்டோம் என்று சொல்லி சந்திரன் @ சின்ன இடுப்பில் மறைத்து வைத்திருந்த கத்தியை எடுத்து என் வயிற்றில் வைத்தான். அப்போது திருமலை என்னை பார்த்து நங்கோத்தா தேவிடியா பையா எங்களுக்கு வாரம் ரூபாய்.1000/- மாமூல் தரவேண்டும் இப்போது உள் பாக்கெட்டில் உள்ள பணத்தை எடுத்துக்கொடு என்று சொன்னான். நான் அவனிடம் பணம் இல்லை என்று சொன்னதும் சந்திரன் @ சின்னா என்பவன் திருமலையை பார்த்து பாக்கெட்டில் உள்ள பணத்தை எடுதா என்று சொன்னதும் திருமலை என்பவன் என் சட்டை மேல் பாக்கெட்டில் வைத்திருந்த பணம் ரூபாய் 1,500/- யை பிடுங்கிக்கொண்டான். அப்போது அருகில் காய்கறி வியாபாரம் செய்யும் திணைக்குமார் மற்றும் மூட்டை தூக்கும் ஆகாஷ் ஆகியோர்கள் அவர்களை பிடிக்க கிட்ட வந்தபோது திருமலை மற்றும் சந்திரன் @ சின்ன ஆகிய இருவரும் சந்திரன் @ சின்னா அவன் கையில் வைத்திருந்த கத்தியை காட்டி இந்த விஷயத்தை போலிசிடமோ வேறு யாரிடமாவது சொன்னால் உங்களை எங்கிருந்தாலும் தேடி வந்து போட்டுத்தள்ளிவிடுவேன் என்று கத்தியை காட்டி மிரட்டிவிட்டு அங்கிருந்து இருவரும் சென்றுவிட்டார்கள். பிறகு காலை 06.00 மணிக்கு நான் வேலூர் வடக்கு காவல் நிலையம் வந்து மேற்படி சந்திரன் @ சின்னா மற்றும் திருமலை என்பவர்கள் மீது தக்க நடவடிக்கை எடுக்குமாறு கேட்டுக்கொள்கிறேன்.

The defacto complainant during his course of chief examination had deposed as hereunder.

நான் வேலூர் வசந்தபுரத்தில் வசித்து வருகிறேன். நான் வேலூர் மார்க்கட்டில் லாங்க் பஜார் பிளாட்பாரத்தில் தொழில் செய்து வருகிறேன். ஆஜர் எதிரிகளை தெரியாது. சுமார் இரண்டு ஆண்டுகளுக்கு முன்பு தேதி மாதம் நினைவில்லை விடியற்காலை சுமார் 05.00 மணி இருக்கும் அப்போது நான் வியாபாரம் செய்துக்கொண்டிருந்தேன் அப்போது போலீசார் என்னை அழைத்து என்னிடம் ஒரு வெற்றுத்தாளில் கையொப்பம் வாங்கிக்கொண்டு சென்றுவிட்டார்கள்.

வழக்கு பற்றி எனக்கு ஒன்றும் தெரியாது. வழக்கு சம்பந்தமாக போலீசார் என்னை விசாரிக்கவில்லை. புகாரில் உள்ள கையொப்பம் என்னுடையதுதான். புகாரில் உள்ள என்னுடைய கையொப்பம் மட்டும் **அ.த.சா.ஆ.1** ஆகும். அதில் என்ன எழுதியுள்ளது என்று தெரியாது.

15. Further, during the course of cross examination, PW1 had deposed as below.

நான் வடக்கு காவல் நிலைய எல்லைக்குட்பட்ட பகுதியில் கறிவேப்பிலை வியாபாரம் செய்கிறேன் என்றால் சரிதான். அதனால் போலீசார் கேட்டுக்கொண்டதற்கு இணங்க நான் கையொப்பம் போட்டு கொடுத்தேன் என்றால் சரிதான். இந்த வழக்கை பற்றி எதுவும் எனக்கு தெரியாது என்றால் சரிதான்.

Thus, PW1 had clearly admitted that he put his signature only upon the direction of police and that he did not know anything about the case. Further, the defacto complainant **PW1** has neither identified the accused before this Court nor deposed anything

corroborating the averments made in the complaint. On the contrary, PW1 has stated nothing in his evidence about the verbal abuse of the accused, demand of cut money and robbery of the cash from his pocket and also about the criminal intimidation. Thus, the evidence of PW1 does not support the prosecution case and is in no way helpful to establish the charges against the accused.

16. Likewise, **PW2**, who was examined as an eyewitness to the occurrence, has also not supported the case of the prosecution. He has simply deposed that he does not know the accused and that the police did not enquire him in connection with the case. Both **PW1 and PW2** have not spoken anything about the alleged verbal abuse, criminal intimidation, or robbery of money by the accused from PW1, as alleged by the prosecution.

17. Further, **PW3**, who is cited as a witness to the **Observation Mahazar, Rough Sketch**, has also not supported the prosecution case. PW3 has simply deposed that the Police came and drawn some thing, that he does not know anything about the case.

18. Similarly, **PW4 Pattabi** who is cited as a witness to the confession statement of the accused and the recovery of the weapon,

namely the knife from the accused, has also not supported the prosecution case and has stated that the police obtained his signatures at the police station and that he does not know anything about the alleged confession or recovery.

19. During the course of evidence, PW4 has deposed as below.

நான் வேலூர் ஓட்டு டவுன் எம்ஜிஆர் நகரில் வசித்து வருகிறேன். நான் 30 ஆண்டுகளாக வேலூர் மார்க்கட்டில் மூட்டை தூக்கும் தொழில் செய்து வருகிறேன். அ.சா. 1 முதல் 3 வரை தெரியாது. ஆஜர் எதிரிகளை தெரியாது. சுமார் ஒன்றரை வருடங்களுக்கு முன்னர் மூட்டை தூக்கிக்கொண்டு நான் வந்துக்கொண்டிருந்தபோது போலீசார் என்னை அழைத்து என்னை கையொப்பம் போடச்சொன்னார்கள். எதற்கு என்று கேட்டேன். சும்மா கையொப்பம் போடு என்று சொன்னதால் நான் போட்டு கொடுத்தேன். ஆஜர் எதிரிகளை தெரியாது. இந்த வழக்கு பற்றியும் எனக்கு தெரியாது. ஒப்புதல் வாக்குமூலம் மற்றும் கைப்பற்றுதல் மகசரில் உள்ள இரண்டாவது சாட்சி கையொப்பங்கள் என்னுடையதுதான். அவைகள் முறையே அ.த.சா.ஆ.3 மற்றும் அ.த.சா.ஆ.4 ஆகும். போலீசார் என்னை விசாரிக்கவில்லை.

20. So, the evidence of PW3 and PW4 is also not helpful to decide the case. None of the evidence spoken about the verbal abuse, criminal intimidation and robbery. But, as per Investigating Officer, they recovered only the Knife and not the robbery money

from the accused. There is explanation from the Investigating Officer in this regard.

21. PW5, the Investigating Officer, who has spoken about the registration of the case, investigation and filing of the final report. However, it is a settled principle of law that the evidence of the Investigating Officer alone cannot be the basis for conviction in the absence of supporting evidence from the material witnesses. Further, the alleged recovery of the knife and cash from the accused cannot also be relied upon since the recovery witnesses themselves have not supported the prosecution case. All the material witnesses namely PW1 to PW4 have turned hostile and have not supported the case of the prosecution in any material particulars. The defacto complainant himself has not identified the accused nor spoken about the alleged robbery, use of knife, criminal intimidation or verbal abuse as alleged by the prosecution. In such circumstances, the prosecution cannot rely solely upon the evidence of the Investigating Officer to establish the guilt of the accused. Further, the alleged confession and recovery cannot also be relied upon in the absence of corroboration from the independent witnesses. Thus, there is absolutely no reliable or cogent evidence available on record to connect the accused with

the alleged occurrence. Hence, this Court is of the considered view that the prosecution has failed to prove the charges against the accused beyond reasonable doubt and therefore the accused is entitled to the benefit of doubt.

22. In the result,

(i) This Court holds that the prosecution has failed to prove the charges against the 1st and 2nd accused beyond reasonable doubt.

(ii) The 1st and 2nd accused found not guilty of the charges U/s 294(b), 397 and 506(ii) and the accused 1 and 2 acquitted u/s 235(1) of Cr.P.C.,

(iii) The Material Object (M.O.1) concerned in C.P.No.25 of 2026, shall be ordered to be destroyed after the expiry of appeal time, if any appeal is filed, after the disposal of the appeal.

(iv). That the bail bonds executed by them shall stand canceled.

Dictated to the Steno typist, directly typed by him in computer, corrected and pronounced by me in the Open Court, on this day 02nd day of July, 2026.

Principal Sessions Judge
Vellore District

ANNEXURE:**1. LIST OF PROSECUTION WITNESS:-**

Prosecution Witness No.	Name of witness Tr/Tmt	Description
1	Raja	Complainant
2	Dineshkumar	Eye witness to incident.
3	Muniyappan	Observation Mahazar Witness
4	Pattabi	Confession and seizure Mahazar Witness
5	Dharuman	Investigation Officer.

2. List of Defence Witness:- -NIL-**3. List of Prosecution Exhibits:**

Exhibit No.	Date	Description of Exhibit	Proved/ Attested by
1	24.06.2024	Signature in Complainant	PW1
2	24.06.2024	Observation Mahazar	PW3
3	24.06.2024	2 nd Signature in Confession Statement	PW4
4	24.06.2024	2 nd Signature in Seizure Mahazar	PW4
5	24.06.2024	Complainant	PW5
6	24.06.2024	F.I.R.	PW5
7	24.06.2024	Rough Sketch	PW5
8	24.06.2024	Seizure Mahazar	PW5

4. List of Defence Exhibits: - NIL-

5. Material Objects:-

Material Object No.	Description of the Exhibit	Proved by / Attested by
M.O.1	Knife	PW5

P S J
Vellore

Copy to : (Rules 108 and 115 of Cr.R.P. – 2019)

1. The Registrar General, High Court of Madras, Chennai – 104.
2. The District Collector, Vellore.
3. The Superintendent of Police, Vellore.
4. The Judicial Magistrate No.IV, Vellore.
5. The Inspector of Police, Vellore North (L&O) Police Station
Through The Public Prosecutor, Principal Sessions Court,
Vellore.
6. Spare Copies