

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

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

Wednesday, the 08th day of July, 2026.

Sessions Case No.105 of 2025
CNR.No.TNVL-01-004121-2025

Name of the complainant		The State Represented by Inspector of Police Latheri Police Station, Cr. No.57 of 2023
Name of the Accused With Address	1) 2)	Sathish (33) Son of Rajendiran, No.7/271, Ambedkar Nagar, Latheri Colony, K.V.Kuppam Taluk, Vellore District. Deepak (34) Son of Velayutham No.7/117, Thirumani Road, Latheri Colony, K.V.Kuppam Taluk, Vellore District.
Charges Framed		U/s 294(b) 307 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	26.04.2023
The period of Remand of the Accused	A1- 27.04.2023 to 08.07.2023

	A2- 27.04.2023 to 20.05.2023.
The date of filing of the police report in the court	01.06.2023
The date of committal of the case	24.07.2025
The date of questioning of the accused under section 228 of Cr.P.C.	23.01.2026
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	21.04.2026.
Details of abscondence of the accused	--
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	Viji	01.04.2026	01.04.2026
PW2	Prabakaran	01.04.2026	01.04.2026
PW3	Prasanth	01.04.2026	01.04.2026
PW4	Chokkanathan	01.04.2026	01.04.2026
PW5	Murugan	01.04.2026	01.04.2026
PW6	Kumar	02.04.2026	02.04.2026
PW 7	Ramesh	08.04.2026	08.04.2026

(Committed by Thiru.S.K.P.Dilip Babu, Judicial Magistrate, Katpadi in P.R.C.No.13 of 2023, dated 24.07.2025).

This case having listed on 29.06.2026 for hearing before me in the presence of Thiru M.M.Parthiban, Public Prosecutor of this court and, of Tr. K.Kumar, Counsels 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, Vili, son of Yeganantham, is a native of Senrampalli, Keezhmuttukur Village. He is residing at Vikramasi Medu Village and carrying on business by running a hardware shop bearing Door No. 16 situated on the Gudiyatham–Katpadi Road. His friend, Prabhakaran, is also a resident of Vikramasi Medu Village. Both of them originally belong to Ilatheri Colony.

On 26.04.2023, at about 4.00 p.m., while the de facto complainant Viji and his friend Prabhakaran were standing in front of the complainant's shop and conversing with each other, the first accused, Satheesh, son of Rajendran, came to the shop riding a blue Bajaj Pulsar motorcycle bearing Registration No. TN 11 E 4119, with the second accused, Deepak, son of Velayutham, travelling as the pillion rider. After coming to the front of the shop, the first accused questioned them in a provocative manner by saying, " டேய் தேவிடியா பசங்களா இங்கு யாரும் நிற்கவே கூடாது போங்கடா"

When witness Prabhakaran questioned the first accused as to why they were being asked to leave, the first accused, the first accused replied that he was not afraid of anyone. Thereafter, he took out a small penknife which he had concealed in the pocket of his pants and, uttering the words "இதோடு ஒழிந்து போங்கடா", attempted to slash the de facto complainant, Vili. At that time, witness Prabhakaran intervened and warded off the attack with his left hand, as a result of which the cut injury fell on his left elbow, causing him a simple injury.

On seeing the same, the second accused, Deepak, took a beer bottle from the motorcycle in which they had arrived and struck the de facto complainant on the right rear side of his head, thereby causing him a simple injury.

Thereafter, the first accused, Satheesh, brandished the knife and criminally intimidated the de facto complainant and witness Prabhakaran by threatening that he would do away with them. The second accused also threatened them by stating that they would finish them off. Thus, by his above acts, the first accused has committed offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code. Likewise, by his above acts, the second accused has committed offences punishable under Sections 324 and 506(ii) of

the Indian Penal Code.

Committal :--

2. The Judicial Magistrate, Katpadi, on receipt of the police report, had taken the case on file as P.R.C.No. 13 of 2023. On appearance of 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.105 of 2025 by this Court for offences under Section 294(b), 324, 307 and 506(ii) 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), 307 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.

4. Evidence:-

In order to substantiate the case of the prosecution, **PW1 to PW7** \were examined and **Ex.P1 to Ex.P11** were marked. No material objects were marked.

5. The evidence adduced by the prosecution witnesses, in brief, is as follows:**PW1 – Viji (De facto Complainant):**

PW1 Viji, the de facto complainant, deposed that he is doing welding work and is running a welding shop belonging to one Nagendran at Vikramasimedu. He stated that PW2 Prabhakaran is his friend and that he knows the accused present before the Court. According to him, about three years prior to his deposition, on one afternoon, while he was at his shop, a quarrel had taken place in the adjacent shop. On noticing the commotion, he and PW2 Prabhakaran went to the spot, where a large number of persons had gathered and were engaged in a quarrel. While they were watching the incident, some persons from the crowd assaulted him on his head with a bottle. However, he categorically stated that he did not know who had assaulted him. He further deposed that PW2 Prabhakaran also sustained an injury on his head, but since there was a large crowd, he could not identify the

assailants. Thereafter, both of them went to the Government Hospital, Gudiyatham, where they received treatment. He further stated that the police came to the hospital, conducted an enquiry and obtained his signature. Though he admitted that the signature found in the complaint statement shown to him is his and the same was marked as **Ex.P1**, he stated that he did not know the contents of the complaint and that he had not lodged any complaint against the accused. He further deposed that he did not know anything else about the case.

PW2 – Prabhakaran (Eye Witness):

PW2 Prabhakaran deposed that he is a resident of Vikramasimedu and is employed in a private company. He stated that PW1 Viji is his friend. He further deposed that he does not know the accused present before the Court. According to him, about three years prior to his deposition, at about 4.00 p.m. on one evening, he had gone to the welding shop of PW1 Viji. At that time, a quarrel was taking place in the adjacent shop. He and PW1 went there merely to witness the incident. During the commotion, there was pushing and jostling among the crowd, in which both he and PW1 sustained injuries. He categorically stated that he did not know who had assaulted them. Thereafter, they went to the hospital for treatment, where the police

conducted an enquiry. He further deposed that he did not lodge any complaint against the accused and that they had only informed the police that a quarrel had taken place.

PW3 – Prasanth (Eye Witness):

PW3 Prasanth deposed that he is a resident of Keezhmuttukur Village. He stated that he was formerly employed as a two-wheeler mechanic and is presently working as an auto driver. He further deposed that he does not know the accused present before the Court, though he knows PW1 and PW2. According to him, he has no knowledge whatsoever about the occurrence in question. He stated that about three years prior to his deposition, on coming to know that PW1 had sustained injuries, he took PW1 and PW2 to the Government Hospital, Gudiyatham, for treatment. However, he categorically deposed that he does not know how they sustained the injuries. He further stated that the police did not examine him during the course of investigation.

PW4 – Chokkanathan (Observation Mahazar Witness):

PW4 Chokkanathan deposed that he is a resident of Vikramasimedu and is a retired Army personnel. He stated that he knows Nagendrababu, as well as PW1 Viji and PW2 Prabhakaran. He

categorically deposed that he had not witnessed the occurrence in question. According to him, the police visited the place of occurrence, inspected the scene, prepared the Observation Mahazar and the Rough Sketch. However, he denied that the signature found in the Observation Mahazar shown to him was his. He further stated that the police seized a broken beer bottle found at the place of occurrence and obtained his signature in connection with the seizure. However, he denied that the signature found in the Seizure Mahazar was his. He further deposed that the police had examined him during the course of investigation.

PW5 – Murugan (Witness to Confession and Recovery):

PW5 Murugan deposed that he is a resident of Rajapalayam and is working as a mason. He stated that he does not know the accused present before the Court. According to him, about three years prior to his deposition, on one day, some persons from his village were present at the police station. When he went to the police station, the police obtained his signature. However, he stated that he did not know the purpose for which his signature was obtained or the contents of the document on which he had signed. He further deposed that the police did not explain the contents of the document to him. Except for the

above, he stated that he had no knowledge whatsoever about the present case.

PW6 – Kumar (Sub-Inspector of Police):

PW6 Kumar deposed that he is presently serving as a Sub-Inspector of Police at Katpadi Police Station. He further deposed that, while he was serving as a Sub-Inspector of Police at Latheri Police Station, on 26.04.2023, upon receipt of an intimation from the Government Hospital, Gudiyatham, he proceeded to the said hospital and enquired with PW1 Viji, son of Ekanandam, who had been admitted as an inpatient. He recorded the statement given by PW1 as the complaint and, on returning to the police station, registered a case in Crime No.57 of 2023 under Sections 294(b), 324, 307 and 506(ii) IPC. He identified the complaint as **Ex.P2** and the First Information Report as **Ex.P3**.

He further deposed that on 27.04.2023 at about 7.30 a.m., he visited the place of occurrence and, in the presence of Nagendrababu and PW4 Chokkanathan, prepared the Observation Mahazar and the Rough Sketch, which were marked as **Ex.P4** and **Ex.P5**, respectively. He further stated that, in the presence of the same witnesses, he seized

one broken beer bottle from the place of occurrence under a Seizure Mahazar marked as **Ex.P6**, and identified the broken beer bottle as **M.O.1**. He thereafter examined PW1 Viji, PW2 Prabhakaran, PW3 Prasanth, Nagendrababu and PW4 Chokkanathan separately and recorded their statements. Thereafter, he placed the case records before the Inspector of Police for further investigation.

PW7 – Ramesh (Investigating Officer):

PW7 Ramesh deposed that he is presently serving as an Inspector of Police in the Crime Branch, Royapuram, Chennai City. He further deposed that, while serving as the Inspector of Police at Latheri Police Station on 27.04.2023, he took up the investigation in Crime No.57 of 2023. He stated that PW6 Kumar had already conducted the initial investigation by inspecting the scene of occurrence, preparing the Observation Mahazar and Rough Sketch, and examining PW1 Viji, PW2 Prabhakaran, PW3 Prasanth, Nagendrababu and PW4 Chokkanathan. After taking over the investigation, he visited the place of occurrence and examined the witnesses. Since they reiterated the same facts already stated before PW6, he did not record their statements afresh. However, he recorded the further statement of PW1 Viji.

PW7 further deposed that, on 27.04.2023 at about 12.00 noon, he arrested both the accused near Rangampettai Railway Gate. During interrogation, the first accused voluntarily gave a confession statement in the presence of witnesses Sampath and PW5 Murugan. Pursuant to the admissible portion of the confession statement, he recovered a white-coloured steel folding knife from the possession of the first accused and also seized the motorcycle bearing Registration No. TN 11 E 4119 under a Seizure Mahazar marked as **Ex.P7**. Thereafter, he produced the accused before the jurisdictional Court for judicial remand and forwarded the case properties to the Court under Form-91, marked as **Ex.P8**. He identified the recovered folding knife as **M.O.2** and the photograph of the seized motorcycle as **Ex.P9**.

He further deposed that he examined the witnesses to the confession and recovery mahazar and recorded their statements. He also examined Dr. Manjunathan, who treated the injured witnesses, and obtained the Accident Registers relating to PW1 Viji and PW2 Prabhakaran, which were marked as **Ex.P10** and **Ex.P11**, respectively. He further examined PW6 Kumar, recorded his statement, completed the investigation and, finding a prima facie case against both the accused, laid the Final Report before the jurisdictional Court for the

offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code.

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. **Prosecution Case (in Brief):**

The prosecution case, in brief, is that the de facto complainant, PW1 Viji, was running a welding shop at Vikramasimedu on the Gudiyatham–Katpadi Road. On 26.04.2023, at about 4.00 p.m., while PW1 and his friend, PW2 Prabhakaran, were standing in front of the shop and conversing, the first accused, Satheesh, arrived at the place of occurrence on a motorcycle bearing Registration No. TN 11 E 4119 with the second accused, Deepak, as the pillion rider. It is alleged that the first accused abused PW1 and PW2 in filthy language, questioned their presence in front of the shop and, during the ensuing quarrel, took out a folding knife and attempted to attack PW1. When PW2 intervened to prevent the assault, he sustained a cut injury on his left elbow. It is further alleged that the second accused picked up a beer

bottle from the motorcycle and struck PW1 on the right rear side of his head, causing him injuries. Thereafter, both the accused are alleged to have criminally intimidated PW1 and PW2 with dire consequences before fleeing from the scene. Based on the statement given by PW1 at the Government Hospital, Gudiyatham, a case in Crime No.57 of 2023 was registered for the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code. Upon completion of the investigation, the Investigating Officer laid the Final Report against both the accused for the aforesaid offences.

9. In order to substantiate the charges against the accused, the prosecution examined **PW1 to PW7**, marked **Exs.P1 to P11**, and produced **Material Objects 1 and 2 (M.O.1 and M.O.2)**. PW1 Viji is the de facto complainant; PW2 Prabhakaran and PW3 Prasanth are the occurrence witnesses; PW4 Chokkanathan is the witness to the Observation Mahazar and Seizure Mahazar; PW5 Murugan is the witness to the confession and recovery; PW6 Kumar, the then Sub-Inspector of Police, registered the case, prepared the Observation Mahazar and Rough Sketch, seized M.O.1, and conducted the initial investigation; and PW7 Ramesh, the Investigating Officer, completed the investigation, arrested the accused, recovered M.O.2 pursuant to

the disclosure statement of the first accused, obtained the medical records, and laid the Final Report before the jurisdictional Court.

10. Upon completion of the prosecution evidence, the accused were examined under Section 313 of the Code of Criminal Procedure with reference to the incriminating circumstances appearing against them, which they denied as false. No oral or documentary evidence was adduced on the side of the defence.

10. Arguments of the Learned Public Prosecutor:

The learned Public Prosecutor would contend that the prosecution has established the guilt of the accused beyond reasonable doubt through the oral and documentary evidence available on record. It is submitted that the evidence of PW6, the then Sub-Inspector of Police, and PW7, the Investigating Officer, clearly proves the registration of the case, the conduct of investigation, preparation of the Observation Mahazar and Rough Sketch, seizure of the broken beer bottle (M.O.1), recovery of the folding knife (M.O.2) and the motorcycle bearing Registration No. TN 11 E 4119 pursuant to the voluntary confession of the first accused, and the filing of the Final Report. It is further submitted that the medical records, namely Exs.P10 and P11, corroborate the prosecution case that PW1 and PW2 had sustained injuries in the

occurrence.

The learned Public Prosecutor would further submit that though PW1, the de facto complainant, and PW2, the injured eyewitness, did not fully support the prosecution case during trial and resiled from their earlier statements, they have nevertheless admitted that they sustained injuries in the occurrence and received treatment at the Government Hospital, Gudiyatham. They have also admitted that the police conducted an enquiry and obtained their signatures. Their evidence, therefore, cannot be rejected in toto, and the portion supporting the prosecution case is admissible and can be relied upon. The mere fact that PW1 and PW2 turned hostile would not, by itself, render the prosecution case liable to be rejected, particularly when their testimony regarding the occurrence, injuries and treatment stands corroborated by the evidence of the official witnesses and the documentary evidence.

It is further argued that the hostility of PW1 to PW5 appears to be a subsequent development and is not uncommon in criminal cases involving local persons. Their attempt to shield the accused cannot be permitted to defeat an otherwise genuine prosecution. The evidence of the official witnesses, namely PW6 and PW7, is cogent, trustworthy

and inspires confidence. There is no material brought on record to attribute any motive on the part of the investigating agency to falsely implicate the accused. The investigation has been conducted in a fair and proper manner, and the recoveries effected during the course of investigation lend further assurance to the prosecution case.

The learned Public Prosecutor would therefore submit that the prosecution has succeeded in proving the charges against the accused for the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code beyond all reasonable doubt and that the accused are liable to be convicted and punished in accordance with law.

11. Arguments of the Learned Defence Counsel:

The learned counsel appearing for the accused would vehemently contend that the prosecution has miserably failed to establish the guilt of the accused beyond reasonable doubt. It is submitted that the entire prosecution case rests upon the evidence of PW1, the de facto complainant, and PW2, the alleged injured eyewitness. However, both these material witnesses have completely disowned the prosecution case during trial. PW1 has categorically deposed that he did not know who assaulted him, that he had not lodged any complaint against the

accused, and that he was unaware of the contents of the complaint, though he admitted his signature therein. Likewise, PW2 has also categorically stated that he does not know the accused, that both he and PW1 sustained injuries during the commotion in a crowd, and that he did not know who assaulted them. Thus, the very substratum of the prosecution case has been demolished by its own principal witnesses.

The learned defence counsel would further submit that PW3, who was cited as an eyewitness, has not supported the prosecution in any manner and has categorically stated that he had no knowledge about the occurrence and only took PW1 and PW2 to the Government Hospital for treatment. Similarly, PW4, the witness to the Observation Mahazar and Seizure Mahazar, denied witnessing the occurrence and further denied his signatures in both the Observation Mahazar and the Seizure Mahazar, thereby rendering the alleged recovery of M.O.1 wholly unreliable. PW5, the witness to the alleged confession and recovery, also did not support the prosecution and deposed that he had merely signed a document at the police station without knowing its contents or purpose. Therefore, the prosecution has failed to prove either the scene mahazar or the alleged recovery in the manner known to law.

It is further contended that the evidence of PW6 and PW7, being official witnesses, is only formal in nature and cannot, by itself, form the basis for conviction in the absence of substantive evidence connecting the accused with the alleged occurrence. The alleged confession and consequential recovery are of no evidentiary value when the independent attesting witnesses have not supported the prosecution. The medical records merely establish that PW1 and PW2 sustained simple injuries and do not, in any manner, connect the accused with the commission of the alleged offences. There is no reliable ocular evidence to prove the identity of the assailants or the overt acts attributed to either of the accused.

The learned defence counsel would therefore submit that the prosecution has failed to prove the essential ingredients of the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code beyond reasonable doubt. The evidence available on record is wholly insufficient to sustain a conviction, and the accused are therefore entitled to the benefit of doubt and consequent acquittal.

12. The accused has been charged for the offence punishable under Sections 294(b), 307 and 506(ii) of IPC. In order to establish the

charge, the defacto complainant was examined was examined as PW1. The signature in Ex.P1 is marked as Ex.P1 through the defacto complainant. The Complaint is marked as Ex.P2 through the Investigating Officer. The recitals of the complaint read as follows:-

"இன்று 26.04.2023 ம் தேதி மாலை 04.00 மணிக்கு என் கடையிடம் பிரபாகரன் வந்து பேசிக்கொண்டு இருந்தார். அப்போது இலத்தேரியை சேர்ந்த சதிஷ் மற்றும் தீபக் இருவரும் இரண்டு சக்கர வண்டி எண். TN 11 E 4119 பல்சர் புளு கலர் வண்டியில் வந்து என் கடை முன் நிறுத்திவிட்டு எங்களை டேய் தேவிடியா பசங்களா இங்கு யாரும் நிற்கவே கூடாது போங்கடா என்று அசிங்கமாக திட்டினான். நான் என் கடையிடம் நிற்கிறோம் எங்களை ஏன்டா திட்டுகிறாய் என்று கேட்டதற்கு சதிஷ், தீபக் இருவரும் உங்கோத்தா உங்கொம்மாள் என்று திட்டினான். என்னுடன் இருந்த பிரபாகரன் ஏன்டா எங்களை போக சொல்றீங்க என்று கேட்டான். உடனே சதிஷ் எங்களை பார்த்து எவனுக்கும் பயமில்லை என்று சொல்லி தனது பேக்கட்டில் மறைத்து வைத்திருந்த சிறிய பேனா கத்தியை எடுத்து இதோட ஒழிந்து போங்கடா என்று என்னை வெட்ட வந்த போது அதை தடுத்த பிரபாகரனின் இடது முழங்கையை அறுத்துவிட்டான். உடனே நான் தடுக்க போன போது தீபக் என்பவன் இருச்சக்கர வாகனத்தில் இருந்த பீர் பாட்டிலை எடுத்து எனது வலது தலையின் பின் பக்கம் அடித்துவிட்டான். எனக்கும் பிரபாகரனுக்கும் இரத்தம் வரவே நாங்கள் இருவரும் மருத்துவமனைக்கு செல்வோம் பிரச்சனை வேண்டாம் என்று கிளம்பும்போது சதிஷ் கையில் கத்தியை வைத்துக்கொண்டு

எங்களிடம் பிரச்சனை செய்தால் உங்களை இத்தோடு ஒழித்து விடுவேன் என்று மிரட்டினான். உடனிருந்த தீபக் இவங்களை போட்டுத்தள்ளுடா என்று மிரட்டினான். நாங்கள் இருவரும் அங்கு இருந்த பிரசாத் என்பவருடன் குடியாத்தம் அரசு மருத்துவமனைக்கு சென்று சிகிச்சைக்கு சேர்ந்தோம். டாக்டர் எங்களுக்கு சிகிச்சை அளித்தார். எனக்கு தலையிலும் பிரபாகரனுக்கு கையிலும் தையல் போட்டார். அப்போது அங்கு இலத்தேரி போலீசார் வந்து எங்களை விசாரித்து வாக்குமூலம் பதிவு செய்தார். எங்களை அசிங்கமாக பேசி அதை கேட்டபோது கொலை முயற்சி செய்தும் காயப்படுத்தி மிரட்டல் விடுத்த சதிஷ் மற்றும் தீபக் மீது நடவடிக்கை எடுக்குமாறு வாக்குமூலம் நான் கொடுக்க நான் சொன்னதை போலீசார் எழுதி படித்து காண்பித்தார், நான் சொன்ன படி சரி."

13. The defacto complainant Viji is examined as PW1. During the course of his chief examination, he has deposed as follows:-

"நான் வெல்டிங் வேலை செய்கிறேன். நான் நாகேந்திரன் என்பருக்கு சொந்தமான கடையில் விக்கிரமாசிமேட்டில் வெல்டிங் கடை வைத்துள்ளேன். மார்கபந்து மகன் பிரபாகரன் என்னுடைய நண்பர். ஆஜர் எதிரிகளை தெரியும். 3 ஆண்டுகளுக்கு முன்பு ஒருநாள் மதிய நேரத்தில் நான் கடையில் இருந்தபோது பக்கத்து கடையில் பிரச்சினை நடந்தது. நானும் பிரபாகரனும் போனோம். அங்கு கூட்டமான சண்டை போட்டுக்கொண்டிருந்தார்கள். அதை பார்க்க சென்ற எங்களை கூட்டத்தில் இருந்தவர்கள் பாட்டிலால் என்னை தலையில்

அடித்துவிட்டார்கள். யார் அடித்தார்கள் என்று தெரியவில்லை. பிரபாகரனுக்கும் தலையில் அடிப்பட்டது. யார் அடித்தார்கள் என்று கூட்டத்தில் தெரியவில்லை. குடியாத்தம் அரசு மருத்துவமனைக்கு சென்றோம். சிகிச்சை எடுத்துக்கொண்டோம். போலீசார் வந்து விசாரித்தார்கள். என்னிடம் கையொப்பம் வாங்கினார்கள். என்னிடம் காண்பிக்கப்படும் புகார் வாக்குமூலத்தில் உள்ள கையொப்பம் என்னுடையதுதான். புகாரில் என்ன எழுதியுள்ளது என்று தெரியாது. நான் எதிரிகளுக்கு எதிராக எந்த புகாரும் கொடுக்கவில்லை. வேறு எதுவும் வழக்கு பற்றி தெரியாது. புகாரில் உள்ள என்னுடைய கையொப்பம் மட்டும் அ.த.சா.ஆ.1.."

Since PW1 resiled from his earlier statement given before the police, he was treated as hostile and cross-examined by the prosecution. Likewise, the eye witness PW2 also turned hostile and not supported the prosecution case. The remaining witness are PW3 is the witness to Observation Mahazar and PW4 is one of the witness to Confession Statement and Seizure mahazar. Both PW3 and PW4 also not supported the case of prosecution.

14. Appreciation of Evidence and Findings:

This Court has carefully considered the rival submissions advanced on either side and meticulously appreciated the entire oral and

documentary evidence available on record. It is the specific case of prosecution that on 26.04.2023 at about 4.00 p.m., the accused abused the de facto complainant and PW2 in obscene language, attacked them with a knife and a beer bottle, caused injuries and thereafter criminally intimidated them with dire consequences. Therefore, the burden squarely rests upon the prosecution to establish not only the occurrence and the injuries sustained by PW1 and PW2, but also the identity of the assailants, the overt acts attributed to each accused and the ingredients of the offences alleged, beyond all reasonable doubt.

15. In the case on hand, PW1, the de facto complainant and the injured witness, has not supported the prosecution case. Though he admitted that he sustained an injury and received treatment at the Government Hospital, Gudiyatham, he categorically deposed that the injuries were sustained during a quarrel involving a crowd near the adjacent shop and that he did not know who assaulted him. He further disowned the prosecution version by stating that he had not lodged any complaint against the accused and that he was unaware of the contents of Ex.P1, though he admitted his signature therein. Thus, PW1 has completely resiled from the allegations made in the complaint and has failed to identify either of the accused as the

perpetrators of the alleged offences.

16. Similarly, PW2 Prabhakaran, who is also an injured witness and an alleged eyewitness to the occurrence, has not supported the prosecution. As per the Complaint averments when the accused tried to attack him, PW2 Prabakaran restrained him with his hand and he got injured. But, during the course of chief examination, PW2 Prabakaran has deposed as hereunder.

அ.சா.1 விஜி என் நண்பர். ஆஜர் எதிரிகளை தெரியாது. கடந்த 3 வருடங்களுக்கு முன்பு ஒரு நாள் காலை சுமார் 4.00 மணி அளவில் நான் அ.சா.1 விஜியின் கடைக்கு போனேன். பக்கத்து கடையில் சண்டை நடந்துகொண்டிருந்தது. நாங்கள் இருவரும் வேடிக்கை பார்க்க போனோம். நாங்கள் இருவரும் வேடிக்கை பார்க்க போனோம். அந்த கூட்டத்தில் தள்ளு முள்ளு நடந்தது. அதில் அ.சா.1-க்கும் எனக்கும் அடிபட்டு விட்டது. யார் அடித்தார்கள் என்று தெரியாது. மருத்துவமனைக்கு போனோம். போலீசார் விசாரித்தார்கள். ஆஜர் எதிரிகள் பெயரில் புகார் எதுவும் கொடுக்கவில்லை. சண்டை நடந்தது என்று தான் சொன்னோம்"

Even though PW1 deposed sustained injuries during the commotion in a crowd while witnessing a quarrel and categorically stated that he did not know who had assaulted them. He further stated that he had not lodged any complaint against the accused. Therefore, the evidence of PW2 also does not advance the prosecution case in any manner.

17. PW3 Prasanth, who was cited as an eyewitness, has likewise not supported the prosecution. According to him, he had no knowledge regarding the occurrence and only took PW1 and PW2 to the Government Hospital after learning that they had sustained injuries. Thus, PW3 is not an eyewitness to the occurrence and his evidence does not connect the accused with the alleged crime. PW4 Chokkanathan, the witness to the Observation Mahazar and Seizure Mahazar, also failed to support the prosecution. He denied witnessing the occurrence and further denied his signatures in both the Observation Mahazar and the Seizure Mahazar. Likewise, PW5 Murugan, who was examined as the witness to the alleged confession and recovery, categorically stated that the police merely obtained his signature at the police station and that he was unaware of the contents of the document. Thus, the independent witnesses to the alleged recovery and seizure have also not supported the prosecution case.

18. The prosecution has mainly relied upon the evidence of PW6 and PW7, who are the police officials connected with the investigation. Their evidence establishes the registration of the First Information Report, the steps taken during the investigation, the preparation of the Observation Mahazar and Rough Sketch, the

seizure of M.O.1, the alleged recovery of M.O.2 pursuant to the confession statement of the first accused, and the filing of the Final Report. However, it is well settled that the evidence of the Investigating Officer, though relevant to prove the manner in which the investigation was conducted, cannot by itself establish the guilt of the accused in the absence of reliable substantive evidence connecting the accused with the commission of the offence.

19. Though the prosecution has marked the Accident Registers as Exs.P10 and P11 to establish that PW1 and PW2 sustained injuries, the medical evidence only proves the existence of injuries. It does not establish that the injuries were caused by the accused. Medical evidence is corroborative in nature and cannot, in the absence of trustworthy ocular evidence, form the sole basis for recording a conviction.

20. It is also significant to note that the prosecution has not declared PW1 to PW5 as hostile and confronted them with their previous statements in the manner contemplated under the Indian Evidence Act. Even assuming that the witnesses were treated as hostile, their previous statements recorded by the police under Section 161 Cr.P.C. are not substantive evidence and cannot be relied upon as proof of the

facts stated therein. Such statements can only be used for the limited purpose of contradicting the witness. Therefore, in the absence of any substantive evidence before this Court implicating the accused, the contents of the complaint or the statements recorded during investigation cannot form the basis for conviction.

21. Further, the prosecution has failed to establish the chain of circumstances connecting the accused with the commission of the alleged offences. The independent witnesses cited by the prosecution have not corroborated either the occurrence or the alleged recovery. PW4 has denied his signatures in the Observation Mahazar and Seizure Mahazar, while PW5 has disowned the alleged confession and recovery proceedings. Consequently, the preparation of the mahazars and the alleged recovery of M.O.2 lose much of their evidentiary value and cannot be safely relied upon.

22. The prosecution has also failed to establish the ingredients of the offence under Section 307 IPC. To attract Section 307 IPC, the prosecution must prove that the act was committed with the intention or knowledge of causing death and under such circumstances that, if death had ensued, the act would have amounted to murder. In the present case, there is no reliable evidence regarding the manner of

assault, the weapon allegedly used, the nature of the blows inflicted, or the intention or knowledge attributable to the accused. On the contrary, both the injured witnesses have not attributed any overt act to the accused. The medical records merely disclose that the injured sustained simple injuries and do not support the allegation of an attempt to commit murder.

23. Similarly, the charge under Section 294(b) IPC also remains unproved. Apart from the allegations contained in the complaint, there is no substantive evidence regarding the exact obscene words allegedly uttered by the accused or that such words were uttered in or near a public place to the annoyance of others. Neither PW1 nor PW2 has spoken about the alleged use of obscene language during their evidence before the Court.

24. The charge under Section 506(ii) IPC is also not established. Mere allegations of intimidation are insufficient unless the prosecution proves by reliable evidence that the accused intentionally threatened the victims with death or grievous consequences with the intention of causing alarm. In the present case, none of the material witnesses has spoken about any such threat having been extended by the accused.

25. The recovery of the alleged weapon pursuant to the confession statement of the first accused also does not materially advance the prosecution case. The admissible portion of a disclosure statement under Section 27 of the Indian Evidence Act is only one incriminating circumstance and cannot, by itself, establish the guilt of the accused unless it is corroborated by reliable ocular or other substantive evidence. In the absence of such corroboration, the alleged recovery alone cannot sustain a conviction. The cardinal principle of criminal jurisprudence is that the prosecution must prove its case beyond all reasonable doubt and that any reasonable doubt must necessarily enure to the benefit of the accused. Suspicion, however strong, cannot substitute legal proof. In the present case, the evidence on record creates serious doubt regarding the identity of the assailants and the participation of the accused in the alleged occurrence. The prosecution has failed to establish the essential ingredients of the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code beyond reasonable doubt.

26. Accordingly, this Court holds that the prosecution has failed to prove the guilt of the accused beyond all reasonable doubt. The accused are, therefore, entitled to the benefit of doubt and consequent acquittal.

27. In the result,

(i) the accused 1 and 2 found Not Guilty of the offences punishable under Sections 294(b), 324, 307 and 506(ii) of the Indian Penal Code and are acquitted under Section 235(1) of Cr.P.C., .

(ii) The bail bonds, if any, executed by the accused shall stand cancelled.

(iii) Out of the case properties entered in C.P.No.19 of 2026, Item No.1 broken glass beer bottles and Item No.2, Knife are ordered to be destroyed after the expiry of appeal time. Item No.3, Bajaj Two Wheeler bearing Regn No TN 11 E 4119, was already returned to its owner, hence, the same is ordered to be retained by the owner, after the expiry of the appeal period, and the bond executed by the owner shall stand canceled.

-X-X-X-

Dictated to the Steno typist, directly typed by him in computer, corrected and pronounced by me in the Open Court, on this day the 08th 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	Viji	Complainant
2	Prabakaran	Victim Statement
3	Prasanth	Eye witness to incident
4	Chokkanathan	Obs Mahazar / Seizure Mahazar

5	Murugan	Confession / Seizure Mahazar
6	Kumar	Duty officer
7	Ramesh	Investigating Officer

2. List of Defence Witness:- -NIL-

3. List of Prosecution Exhibits:

Exhibit No.	Date	Description of Exhibit	Proved/ Attested by
1	26.04.2023	Signature in Complainant	PW1
2	26.04.2023	Complainant	PW6
3	26.04.2023	F.I.R	PW6
4	27.04.2023	Observation Mahazar	PW6
5	27.04.2023	Rough Sketch	PW6
6	27.04.2023	Seizure Mahazar-I – Time 08.00 a.m.	PW6
7	27.04.2023	Seizure Mahazar – II – Time 01.15 p.m.	PW7
8	27.04.2023	Form-91	PW7
9	-	Photo	PW7
10	01.06.2023	Accident Register of Vijay	PW7
11	01.06.2023	Accident Register of Prabhakaran	PW7

4. List of Defence Exhibits: - NIL-

5. Material Objects:- -NIL-

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 concerned.
5. The Investigating Officer Through The Public Prosecutor
6. Spare Copies.