

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

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

Saturday, the 01st day of August, 2026.

Sessions Case No.139 of 2025
CNR.No.TNVL-01-005002-2025

Name of the complainant		State Rep. by Inspector of Police Veppankuppam Police Station. Cr.No. 410 of 2017
Name of the Accused With Address	:	Muthusamy (M- 45/2025) Son of Chinnasamy, Kunukkanoor Malai Village, Peenjamanthai Post, Anaicut Taluk. Vellore District, Tamil Nadu.
Charges Framed	:	U/s 294(b), 307 of IPC r/w 27(1) Arms Act 1959 and 25(1)(A) of Arms Act, 1959.
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	21.10.2017
The period of Remand of the Accused	21.10.2017
The date of filing of the police report in the court	30.07.2025



The date of committal of the case	18.09.2025
The date of questioning of the accused under section 228 of Cr.P.C.	22.01.2026
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	-
Date of examination of the accused U/s.313 of Cr.P.C	02.07.2026
Details of abscondence of the accused	
Grant of stay	-

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

Examination of Witnesses		Date of Chief Examination	Date of Cross Examination
PW1	Valarmathi	28.04.2026	28.04.2026
PW2	Jaikumar	28.04.2026	28.04.2026
PW3	Chinnakka	28.04.2026	28.04.2026
PW4	Pandu	28.04.2026	28.04.2026
PW5	Ravi	28.04.2026	28.04.2026
PW6	Chinnasamy	28.04.2026	28.04.2026
PW 7	Thirunavukkarasu	02.06.2026	02.06.2026
PW8	Umachandran	02.06.2026	-
PW9	Rajendiraprasad	02.06.2026	02.06.2026
PW10	Ulaganathan	19.06.2026	19.06.2026

(Committed by Tr.R.Muthu Ramananand, Judicial Magistrate III, Vellore in P.R.C.No.95 of 2025 dated 18.09.2025).

This case having listed on 17.07.2026 for hearing before me in the presence of Thiru.S. Suresh, Public Prosecutor of this court and, of Thiru. M.Barathiraja, K. Neelakandan, K. Ramanathan, S. Parthiban



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 :-

That on **20.10.2017**, at about **08.00 p.m.**, the accused **Muthusamy**, in an intoxicated condition, picked up a wordy quarrel with the witness **Valarmathi**. During the course of the quarrel, the accused, being the brother-in-law of the witness Valarmathi, intentionally abused her in filthy language, stating, "தேவிடியா, உன்னால் தான் என் தம்பி என்னுடன் ஒத்து வந்து வேலை செய்யமாட்டேன் என்று சொல்கிறான், உன்னை ஒழித்துவிட்டால் என் பிரச்சனை தீர்ந்துவிடும்." Thereafter, with the intention of committing her murder, the accused aimed and discharged his country-made **SBML gun** towards the witness, shouting, "இத்தோடு செத்து போ." However, the witness Valarmathi immediately moved away from the line of fire and thereby escaped without sustaining any injury.

Further investigation revealed that the accused was in



possession of the aforesaid firearm and gunpowder without holding a valid licence as required under **Section 5 of the Arms Act, 1959**. Such unauthorised possession constitutes an offence punishable under **Section 25(1)(a) of the Arms Act, 1959**. Thus, the accused has committed offences punishable under **Sections 294(b) and 307 of the Indian Penal Code, 1860, read with Section 25(1)(a) of the Arms Act, 1959**.

Committal :--

2. The Judicial Magistrate No.III, Vellore, on receipt of the police report, had taken the case on file as P.R.C.No. 95 of 2025. 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 the file of this Court as **S.C. No. 139 of 2025** for the offences punishable under **Sections**



294(b) and 307 of the Indian Penal Code, 1860, and Section 25(1)(a) 5 and 39 of the Arms Act, 1959. Upon receipt of summons, the accused appeared before this Court and engaged a counsel of his choice.

After hearing the learned Public Prosecutor and the learned counsel for the accused, this Court framed charges against the accused for the offences punishable under **Section 294(b) of the Indian Penal Code, 1860; Section 307 of the Indian Penal Code, 1860, read with Section 27(1) of the Arms Act, 1959; and Section 25(1)(A) of the Arms Act, 1959.** The charges were read over and explained to the accused in Tamil. The accused denied the charges, pleaded not guilty, and claimed to be tried.

Evidence:-

4. In order to substantiate the case of the prosecution, **PW1 to PW10** were examined and **Ex.P1 to Ex.P14** 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 – Valarmathi deposed that the accused is her husband's elder brother. According to her, about eight years ago, a temple festival was conducted in the village, during which a quarrel took place. On noticing the commotion, she went to the spot to ascertain what had happened. Thereafter, the police took her to the Police Station and obtained her signature. She stated that the police did not enquire with her regarding the alleged occurrence. PW1 further deposed that there had never been any dispute or quarrel between her family and that of the accused. She identified the signature found in the complaint shown to her as her own, and the said signature was marked as **Ex.P1**.

Since PW1 resiled from her earlier statement and did not support the prosecution case, she was treated as hostile witness and cross examined by prosecution.

(b) Evidence of PW2 – Eye witness

PW2 – Jayakumar deposed that PW1 Valarmathi is his wife. According to him, about eight years prior to his deposition, during the village temple festival, he came to know that a quarrel had taken place about five houses away from his residence. However, he stated that he



was unaware of the nature of the quarrel. He further deposed that there had never been any dispute between him and his elder brother, the accused. He stated that he did not know to whom the gun shown to him belonged and that he had no knowledge about the case.

Since PW2 resiled from her earlier statement and did not support the prosecution case, she was treated as hostile witness and cross examined by prosecution.

(c) Evidence of PW3 – Eye Witness

PW3 – Chinnakka deposed that the accused is her son, PW1 Valarmathi is her daughter-in-law, and PW2 Jayakumar is also her son. She further deposed that she had no knowledge whatsoever about the present case and that the police had not enquired with her during the course of investigation.

Since PW3 resiled from her earlier statement and did not support the prosecution case, she was treated as hostile witness and cross examined by prosecution.

(d) Evidence of PW4 – Confession & Seizure Mahazar witness :-

PW4 – Pandu deposed that the first signature found in the confession



statement and the seizure mahazar shown to him as his own, and the said signatures were marked as Ex.P2 and Ex.P3, respectively. He further deposed that the accused and his younger brother had quarrelled with each other, but he had not witnessed the occurrence. According to him, the police came to his village and obtained his signatures. He stated that the police merely informed him that a quarrel had taken place and obtained his signatures for that purpose. He further deposed that he did not know to whom the gun shown to him belonged, that the police had not examined him, and that he had no other knowledge about the case.

Since PW4 resiled from his earlier statement and did not support the prosecution case, the learned Public Prosecutor sought and obtained the permission of the Court to treat him as a hostile witness and to cross-examine him.

(e) Evidence of PW5 – Confession and Seizure Mahazar witness :-

PW5 – Ravi deposed that he is residing at Peenjamandhai Village. He stated that he knows PW4 Pandu and that the accused is his relative (maternal uncle). He identified the second signatures found in the confession statement and the seizure mahazar shown to him as his



own, and the same were marked as Ex.P4 and Ex.P5, respectively. He further deposed that he signed the documents only because the police requested him to do so and that the police did not inform him of the purpose for obtaining his signatures. He stated that he had no other knowledge about the case.

Since PW5 did not support the prosecution case, the learned Public Prosecutor sought and obtained the permission of the Court to treat him as a hostile witness and to cross-examine him.

(f) Evidence of PW6 – Observation Mahazar witness

PW6 – Chinnasamy deposed that he is residing at Narthamedu Village and is an agriculturist by profession. He stated that he knows the accused, that PW2 Jayakumar is his son-in-law, and that he is the father of PW1 Valarmathi. He further deposed that he had no knowledge about the alleged quarrel. According to him, while he had casually gone to Veppankuppam, the police obtained his signature, but did not inform him of the purpose for obtaining the same. He identified the first signature found in the Observation Mahazar shown to him as his own, and the said signature was marked as **Ex.P6**. He further deposed that he had no other knowledge about the case.



Since PW6 did not support the prosecution case, the learned Public Prosecutor sought and obtained the permission of the Court to treat him as a hostile witness and to cross-examine him.

(g) Evidence of PW7 – Expert Witness

PW7 – Thirunavukkarasu (Ballistics Expert) deposed that while he was serving as the Deputy Director, Firearms Division, Tamil Nadu Forensic Sciences Department, Chennai, on **15.12.2017**, one **SBML country-made firearm** connected with Crime No. 410 of 2017 of Veppankuppam Police Station was received for scientific examination through Head Constable No. 1735, Umachandran. After examining the firearm, he furnished the following opinions:

1. The weapon is an **unrifled, single-barrel, muzzle-loading country-made firearm**, which is a **firearm** within the meaning of the Arms Act, 1959.
2. Residues of burnt gunpowder were detected inside the barrel of the firearm, indicating that it had been fired prior to its examination.
3. On test firing, the firearm was found to be in working condition.



PW7 further deposed that he submitted his Ballistics Examination Report dated **21.12.2017** to the jurisdictional Judicial Magistrate. He identified the said report, which was marked as **Ex.P7**. He also identified the country-made firearm shown to him before the Court as the same weapon examined by him. He further stated that he was examined by the Investigating Officer during the course of investigation.

(h) PW8 – Umachandran – Official Witness:-

PW8 – Umachandran (Head Constable) deposed that while he was attached to Veppankuppam Police Station, on **15.12.2017**, in connection with Crime No. 410 of 2017 registered for the offences under **Sections 294(b) and 307 of the Indian Penal Code, read with Sections 27(1) and 25(1) of the Arms Act, 1959**, he produced the seized country-made firearm before the jurisdictional Court along with the forwarding letter of the Investigating Officer.

He further deposed that thereafter, pursuant to the orders of the Court, he took custody of the said firearm and handed it over to the Office of the Director, Tamil Nadu Forensic Sciences Department, Chennai, for scientific examination. He also stated that he was examined by the



Investigating Officer during the course of investigation.

(i) PW9 – Rajendraprasad (Investigating Officer)

PW9 Tr.Rajendra Prasad deposed that while he was serving as the Sub-Inspector of Police at Veppankuppam Police Station, he received the complaint lodged by PW1 Valarmathi and registered a case in **Crime No. 410 of 2017** for the offences punishable under **Sections 294(b) and 307 of the Indian Penal Code, read with Sections 27(1) and 25(1) of the Arms Act, 1959**. He identified the printed First Information Report, which was marked as **Ex.P8**, and the complaint given by PW1, which was marked as **Ex.P9**.

PW9 further deposed that he took up the investigation and, on **21.10.2017 at about 12.00 noon**, visited the place of occurrence. In the presence of witnesses **Chinnasamy** and **Jayakumar**, he prepared the Observation Mahazar, which was marked as **Ex.P10**. He also prepared a Rough Sketch of the scene of occurrence in the presence of the said witnesses, and the same was marked as **Ex.P11**.

He further deposed that on **22.10.2017 at about 2.00 p.m.**, he arrested the accused Muthusamy at Moolanur Mandhai, after the accused was



identified by the prosecution witness. He informed the relatives of the accused about the arrest through mobile phone. Thereafter, at about **2.10 p.m.**, in the presence of witnesses **Pandu** and **Ravi**, he recorded the voluntary confession statement of the accused. In the said confession, the accused disclosed that he had purchased the country-made firearm used in the commission of the offence from an unknown person for a sum of **Rs.1,500/-** and had concealed the same in the bushes behind his house.

PW9 further deposed that, pursuant to the disclosure statement, he proceeded to the rear side of the accused's house along with the accused and the attesting witnesses. The accused produced the concealed country-made firearm, which was seized under a Seizure Mahazar at about **3.15 p.m.** The admissible portion of the confession statement was marked as **Ex.P12**, the Seizure Mahazar was marked as **Ex.P13**, and the seized country-made firearm was identified as **M.O.1**.

PW9 further deposed that thereafter he brought the accused to the Police Station, interrogated him, and remanded him to judicial custody through a police constable. He also produced the seized material



object before the jurisdictional Court under **Form 91**. During the course of investigation, he examined and recorded the statements of PW1 Valarmathi, PW2 Jayakumar, PW3 Chinnakka, PW6 Chinnasamy, and the witnesses Pandu and Ravi.

PW9 further deposed that on **21.12.2017**, after obtaining a copy of the Forensic Science Laboratory Report through the Judicial Magistrate No. III, Vellore, he proceeded to Chennai and examined PW7 Thirunavukkarasu, the Ballistics Expert. PW7 confirmed that the seized weapon was a country-made **SBML firearm**, that it bore signs of having been fired earlier, and that he had issued the corresponding Ballistics Examination Report. PW9 recorded his statement during the course of investigation.

(j) PW10 – Ulaganathan (Investigating Officer)

PW10 – Ulaganathan (Investigating Officer) deposed that he is presently serving as the Inspector of Police at Arcot Town Police Station, Ranipet District. He further deposed that while he was serving at Veppankuppam Police Station, he took up the further investigation in **Crime No. 410 of 2017** on **21.10.2017** and visited the place of occurrence. Since the Observation Mahazar and Rough Sketch



prepared by the Sub-Inspector of Police were found to be correct, he did not prepare fresh records.

PW10 further deposed that the witnesses who had already been examined by the Sub-Inspector of Police reiterated before him the very same facts stated during the earlier investigation and, therefore, he did not record their statements afresh. However, he examined and recorded the statements of **Chinnasamy** and **Chinnakka**. He also examined the then Sub-Inspector of Police, **Rajendraprasad**, who had initially registered the case, and recorded his statement.

PW10 further deposed that, after obtaining the opinion of the **District Deputy Public Prosecutor (DDP)**, he altered the provisions of law from Sections 294(b) and 307 of the Indian Penal Code, read with Section 25(1)(a) of the Arms Act, 1959, to Sections 294(b) and 307 of the Indian Penal Code, and Sections 25(1)(a), 5 and 39 of the Arms Act, 1959, and prepared the Alteration Report, which was marked as **Ex.P14**. Thereafter, upon completion of the investigation, he filed the final report before the jurisdictional Court against the accused for the aforesaid offences. 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 the accused **Muthusamy** is the elder brother of PW2 Jayakumar and brother-in-law of PW1 Valarmathi. That due to misunderstanding and strained relationship between the accused and his younger brother, the accused developed animosity towards PW1, believing that she was responsible for the discord between the brothers. That on **20.10.2017**, at about **8.00 p.m.**, during the village temple festival at **Kunukkanur Village**, the accused, in an intoxicated condition, picked up a quarrel with PW1 Valarmathi. During the course of the quarrel, he intentionally abused her in filthy language by uttering, "தேவிடியா, உன்னால் தான் என் தம்பி என்னுடன் ஒத்து வந்து வேலை செய்யமாட்டேன் என்று சொல்கிறான்; உன்னை ஒழித்துவிட்டால் என் பிரச்சனை தீர்ந்துவிடும்." Thereafter, with the intention of causing her death, the accused aimed and discharged a country-made **Single**



Barrel Muzzle Loading (SBML) gun towards PW1, shouting, "இத்தோடு செத்து போ." On noticing the imminent danger, PW1 immediately moved away from the line of fire and thereby escaped without sustaining any injury. Hence the charges.

9. In order to bring home the charges levelled against the accused, the prosecution examined ten witnesses as PW1 to PW10, marked fourteen documents as Ex.P1 to Ex.P14, and produced one Material Object as M.O.1. PW1 – Tmt. Valarmathi is the de facto complainant and the alleged victim. She admitted only her signature found in the complaint, which was marked as Ex.P1. PW2 – Jayakumar is the husband of PW1 and the younger brother of the accused. PW3 – Chinnakka is the mother of the accused and PW2, and the mother-in-law of PW1. PW4 – Pandu is an attesting witness to the confession statement and the seizure mahazar and his signatures in the admissible portion of the confession statement and the seizure mahazar, were marked as Ex.P2 and Ex.P3, respectively. PW5 – Ravi is the other attesting witness to the confession statement and the seizure mahazar. His signatures in the said documents, were marked as Ex.P4 and Ex.P5, respectively. PW6 – Chinnasamy is the



father of PW1 and spoken about the preparation of the Observation Mahazar and through him his signature in the Observation Mahazar, was marked as Ex.P6. PW7 – Thirunavukkarasu is the Ballistics Expert attached to the Tamil Nadu Forensic Sciences Department. Though him the seized country-made SBML firearm (M.O.1) and the Ballistics Examination Report, was marked as Ex.P7. PW8 – Umachandran is the then Head Constable attached to Veppankuppam Police Station who deposed about the fact that the seized firearm was produced before the jurisdictional Court and thereafter forwarded to the Tamil Nadu Forensic Sciences Department, Chennai, pursuant to the orders of the Court for scientific examination. PW9 – Rajendraprasad is the then Sub-Inspector of Police, Veppankuppam Police Station, who registered the First Information Report and he spoken about the registration of the case, preparation of the Observation Mahazar and Rough Sketch, arrest of the accused, recording of the admissible portion of the confession statement, recovery of M.O.1, forwarding of the material object to the Court under Form 91, examination of witnesses, receipt of the Ballistics Report, and the investigation carried out by him.



Through him, Ex.P8 to Ex.P13 and M.O.1 were marked. PW10 – Ulaganathan is the Inspector of Police, who conducted the further investigation. He deposed about the further investigation undertaken by him, obtaining the opinion of the District Deputy Public Prosecutor, preparation of the Alteration Report, marked as Ex.P14, and filing of the final report before the jurisdictional Court.

10. The learned Public Prosecutor would vehemently contend that the prosecution has proved the guilt of the accused beyond all reasonable doubt through the oral and documentary evidence adduced before this Court. According to the learned Public Prosecutor, the prosecution has clearly established that on 20.10.2017 at about 8.00 p.m., during the temple festival at Kunukkanur Village, the accused, who was under the influence of alcohol, picked up a quarrel with PW1 Valarmathi, abused her in filthy language, proclaimed that she was the reason for the estrangement between him and his younger brother, threatened to eliminate her, and thereafter fired a country-made Single Barrel Muzzle Loading (SBML) firearm towards her with the intention of causing her death. It is further contended that though PW1 escaped



without sustaining any injury by immediately moving away from the line of fire, the overt act of the accused clearly discloses the intention and knowledge necessary to constitute the offence punishable under Section 294(b) and 307 of the Indian Penal Code.

11. The learned Public Prosecutor would further contend that though PW1 to PW6 have not supported the prosecution case during trial and were treated as hostile witnesses, their evidence cannot be rejected in toto merely on that ground. PW1 has admitted her signature in the complaint marked as Ex.P1, PW4 and PW5 have admitted their signatures in the admissible portion of the confession statement and the seizure mahazar marked as Exs.P2 to P5, and PW6 has admitted his signature in the Observation Mahazar marked as Ex.P6. These admissions, according to the prosecution, lend assurance to the investigation conducted by the Investigating Officer.

12. The learned Public Prosecutor would further rely upon the evidence of PW7, the Ballistics Expert, who has categorically deposed that M.O.1 is an unrifled, single-barrel, muzzle-loading country-made firearm coming within the definition of a firearm under the Arms Act, 1959, that residues of burnt gunpowder were detected inside the barrel



indicating that the weapon had been fired prior to examination, and that on test firing the weapon was found to be in working condition. The Ballistics Report marked as Ex.P7 fully corroborates the oral testimony of PW7 and conclusively establishes that the seized weapon was capable of being used for firing and had in fact been fired before it was subjected to scientific examination. The evidence of PW8, the Head Constable, clearly establishes the safe transmission of the seized firearm from the Court to the Forensic Sciences Department and thereby proves the chain of custody without any break. PW9, the then Sub-Inspector of Police, who has spoken in detail about the registration of the First Information Report, preparation of the Observation Mahazar and Rough Sketch, arrest of the accused, recording of the admissible portion of the voluntary confession statement, recovery of M.O.1 pursuant to the disclosure statement made by the accused, forwarding of the material object to the Court under Form 91, examination of witnesses, and receipt of the Ballistics Report. It is argued that nothing worthwhile has been elicited in the cross-examination of PW9 to discredit the investigation conducted by him. Likewise, PW10, the successor Investigating Officer, has spoken



about the further investigation, obtaining the opinion of the District Deputy Public Prosecutor, preparation of the Alteration Report, and filing of the final report before the Court. According to the learned Public Prosecutor, the evidence of PW9 and PW10 is consistent, cogent, trustworthy and fully corroborated by the contemporaneous records marked as Exs.P8 to P14. It is further contended that the accused admittedly had no licence or authority to possess the country-made firearm, thereby attracting the penal provisions of Section 25(1)(a) of the Arms Act. It is argued that the prosecution has successfully established the motive, the occurrence, the recovery of the weapon, the nature and working condition of the firearm, and the unlawful possession of the same by the accused. Accordingly, the learned Public Prosecutor would pray that this Court hold the accused guilty of the offences punishable under Sections 294(b) and 307 of the Indian Penal Code, read with Section 27(1) of the Arms Act, 1959, and Section 25(1)(a) of the Arms Act, 1959, convict him thereunder, and impose an appropriate sentence in accordance with law.

13. On the other hand, the learned counsel appearing for the accused would vehemently contend that the foundation of the



prosecution case has completely collapsed since the de facto complainant and alleged victim, PW1 Valarmathi, has not supported the prosecution case in any manner. On the contrary, PW1 has categorically deposed before this Court that she had no dispute whatsoever with the accused, that she had merely gone to witness a quarrel which had taken place during the village temple festival, that the police took her to the Police Station and obtained her signature without conducting any enquiry, and that she had not made any allegation against the accused before the police. The learned counsel would further submit that PW1 has specifically denied the alleged occurrence, the alleged abusive words, the alleged firing by the accused, and the alleged attempt on her life. Thus, according to the learned counsel, the very substratum of the prosecution case has been demolished by the evidence of the victim herself.

14. PW2 Jayakumar, the husband of PW1 and the younger brother of the accused, has also not supported the prosecution case. PW2 has categorically stated that there was no dispute between his family and that of the accused and that no quarrel had taken place between him and his elder brother. Likewise, PW3 Chinnakka, the



mother of the accused and PW2, has also not supported the prosecution case and has categorically stated that she had no knowledge about the alleged occurrence. Similarly, PW4 Pandu and PW5 Ravi, who are the alleged attesting witnesses to the confession statement and seizure mahazar, have not supported the prosecution case. They have specifically deposed that the police merely obtained their signatures without explaining the contents of the documents and that they were unaware of the purpose for which their signatures were obtained. PW6 Chinnasamy has also stated that he had no knowledge about the occurrence and that the police obtained his signature without informing him of the purpose. Thus, it is contended that PW1 to PW6, who constitute the material witnesses in the prosecution case, have all turned hostile and have not spoken anything incriminating against the accused.

15. The learned counsel would further submit that the prosecution cannot seek conviction solely on the basis of the evidence of the official witnesses, namely PW8 to PW10, particularly when the independent witnesses and the alleged victim herself have completely disowned the prosecution version. The learned counsel would further



contend that the alleged extra-judicial confession and the consequential recovery of M.O.1 have not been proved in the manner known to law since both the attesting witnesses, PW4 and PW5, have not supported the prosecution case.

16. The Ballistics Report (Ex.P7) and the evidence of PW7 merely establish that M.O.1 is a country-made firearm, that it was in working condition, and that it had been fired prior to its examination. However, the scientific evidence does not establish that the accused had fired the said weapon on the date of occurrence or that the weapon was used in the commission of the alleged offence. In the absence of any eyewitness supporting the prosecution case and in the absence of any ballistic evidence connecting the alleged firing with the accused, the expert opinion cannot by itself establish the guilt of the accused. According to the learned counsel, expert evidence is only corroborative in nature and cannot take the place of substantive evidence regarding the occurrence. The prosecution has therefore failed to establish the motive, the occurrence, the recovery, and the connection between the accused and the alleged offences. Therefore, the learned counsel prayed that this Court hold that the prosecution



has failed to prove the charges under Sections 294(b) and 307 of the Indian Penal Code, read with Section 27(1) of the Arms Act, 1959, and Section 25(1)(a) of the Arms Act, 1959, and consequently acquit the accused of all the charges by extending to him the benefit of doubt.

17. The accused has been charged under sections 294(b), 307 of IPC r/w Section 27(1) of Arms Act 1959 and under Section 25(A) of Arms Act 1959. The defacto complainant is examined as PW1. The Complaint given by him before the Police Station is marked as Ex.P9. The signature of the defacto complainant is marked as Ex.P1.

The recitals of the Complaint reads as follows :-

இந்நிலையில் நேற்று 20.10.2017 ம் தேதி இரவு சுமார் 08.00 மணி அளவில் எனது மூத்தார் முத்துசாமி த/பெ சின்னசாமி என்பவருக்கும் எனக்கும் எனது கணவர் ஜெயகுமார் ஆகியோர் இடையில் சண்டை ஏற்பட்டது அப்போது எனது மூத்தார் என்னை பார்த்து டேய் தேவிடியா உன்னால்தான் என் தம்பி என்னுடன் ஒத்துவந்து வேலை செய்ய மாட்டேன் என்று சொல்கிறான் உன்னை ஒழித்துவிட்டால் என் பிரச்சனை தீர்ந்துவிடும் என்று சொல்லி இதோடு செத்துபோ என்று காட்டு துப்பாக்கி எடுத்து வந்து என்னை பார்த்து சுட்டார் நான் ஒதுங்கிக் கொண்டேன் நான் ஒதுங்கவில்லை என்றால் குண்டடிபட்டு



இறந்திருப்பேன் என் உயிருக்கு ஆபத்தை உண்டாக்க வேண்டும் என்று துப்பாக்கியால் சுட்ட என் மூத்தார் முத்துசாமி த/பெ சின்னசாமி என்பவர் மீது நடவடிக்கை எடுக்குமாறு கேட்டுக்கொள்கிறேன்.

18. But, the defacto complainant during the course of chief examination had deposed in contra to his complaint averments, and the chief examination of PW1 reads as hereunder.

நான் குணுக்கனூர் கிராமத்தில் வசித்து வருகிறேன். என் கணவர் பெயர் ஜெயகுமார். ஆஜர் எதிரி என்னுடைய மூத்தார். 8 ஆண்டுகளுக்கு முன்பு ஊரில் திருவிழா நடந்தது. திருவிழாவின்போது ஊரில் சண்டை நடந்தது. என்ன நடக்கிறது என்று நான் பார்க்க போனபோது போலீசார் என்னை காவல் நிலையம் அழைத்து சென்று கையொப்பம் வாங்கிக்கொண்டார்கள். என்னை போலீசார் விசாரிக்கவில்லை. எங்கள் குடும்பத்திற்கும் எதிரி குடும்பத்திற்கும் எந்த சண்டையும் இல்லை. என்னிடம் காண்பிக்கப்படும் புகாரில் உள்ள கையொப்பம் என்னுடையதுதான். அந்த கையொப்பம் மட்டும் அ.த.சா.ஆ.1 ஆகும்.

PW1, Tmt. Valarmathi, is the de facto complainant as well as the alleged victim of the occurrence. As per her complaint, the accused, who is her brother-in-law, abused her in filthy language, attempted to murder her by firing a country-made SBML gun towards her, and



thereby committed the offences. Therefore, the evidence of PW1 assumes considerable significance, and the prosecution was expected to establish the charges primarily through her testimony.

19. PW1 has categorically deposed that about eight years prior to her examination, during the village temple festival, she merely went to the place of occurrence on hearing that a quarrel had taken place. She has further stated that the police took her to the Police Station and obtained her signature, but did not enquire with her regarding the alleged occurrence. More importantly, PW1 has categorically deposed that there had never been any dispute or quarrel between her family and that of the accused. Thus, she has completely denied the motive attributed by the prosecution. PW1 has not stated that the accused abused her in obscene language or threatened her with dire consequences. She has also not deposed that the accused fired the country-made firearm towards her or attempted to commit her murder. The only admission made by PW1 is that the signature found in the complaint is her own, which has been marked as **Ex.P1**. However, the mere admission of her signature in the complaint does not amount to an admission of the truth or correctness of the contents of the



complaint. So, in the present case, PW1 has not supported the prosecution on any of the material aspects of the occurrence. In the present case, PW1's testimony does not lend any support to the prosecution version and, on the contrary, completely demolishes the genesis of the prosecution case. Therefore, this Court is of the considered view that the evidence of PW1 does not advance the case of the prosecution in any manner. Consequently, the evidence of PW1, by itself, is wholly insufficient to prove any of the charges framed against the accused.

20, As far as evidence of PW2 to PW6 are concerned, PW2 Jayakumar is the husband of PW1 and the younger brother of the accused. However, PW2 has categorically deposed that there was no dispute whatsoever between his family and that of the accused. The evidence of PW2 is no way helpful to the prosecution case. PW3 Chinnakka, who is the mother of the accused and PW2 and the mother-in-law of PW1, has also not supported the prosecution case. PW4 Pandu and PW5 Ravi are the attesting witnesses to the admissible portion of the alleged confession statement of the accused and the seizure mahazar under which the prosecution claims to have



recovered M.O.1, the country-made firearm. However, both these witnesses have categorically deposed that the police merely obtained their signatures on the documents without explaining their contents or purpose. Though both of them admitted their respective signatures in the confession statement and seizure mahazar, marked as Exs.P2 to P5, they have not supported the prosecution with regard to the alleged voluntary confession or the recovery of the firearm. PW6 Chinnasamy, the father of PW1, has also not supported the prosecution case. He has categorically stated that he had no knowledge about the alleged occurrence and that while he had casually gone to Veppankuppam, the police obtained his signature without informing him of the purpose. Though he admitted his signature in the Observation Mahazar, marked as Ex.P6, he has not spoken about the preparation of the mahazar or the occurrence itself. Therefore, this Court is of the considered view that the evidence of PW2 to PW6 does not lend any support to the prosecution case

21. PW7 is the Ballistics Expert, who examined **M.O.1**, the country-made SBML firearm, and issued the Ballistics Examination Report marked as **Ex.P7**. His evidence establishes that M.O.1 is an unrifled,



single-barrel, muzzle-loading firearm within the meaning of the Arms Act, 1959, that traces of burnt gunpowder were found inside the barrel indicating that it had been fired prior to examination, and that the weapon was in working condition. There is no reason to disbelieve the scientific opinion of PW7, and this Court accepts his evidence to the extent of proving the nature and working condition of the firearm. However, the evidence of PW7 is only an expert opinion and is corroborative in nature. It neither establishes that the accused was in possession of the firearm at the relevant point of time nor that he used the said firearm against PW1 during the alleged occurrence. In the present case, when PW1, the victim, and PW2 to PW6, the material witnesses, have not supported the prosecution case, the scientific opinion of PW7, by itself, cannot establish the guilt of the accused or fill the lacunae in the prosecution case. Therefore, though the evidence of PW7 proves the scientific characteristics of M.O.1, it is of little assistance in establishing the charges against the accused beyond reasonable doubt.

22. PW8 to PW10 are the official witnesses connected with the investigation of the case. PW8, the then Head Constable, has spoken



only about producing the seized firearm before the jurisdictional Court and thereafter forwarding the same to the Forensic Sciences Department for examination. PW9, the then Sub-Inspector of Police, has deposed regarding the registration of the First Information Report, preparation of the Observation Mahazar and Rough Sketch, arrest of the accused, recording of the alleged confession statement, recovery of M.O.1, and the investigation conducted by him. PW10, the successor Investigating Officer, has spoken about the further investigation, obtaining the opinion of the District Deputy Public Prosecutor, preparation of the Alteration Report, and filing of the final report. Though the evidence of these official witnesses proves the various procedural steps taken during the course of investigation, the same does not, by itself, establish the guilt of the accused. The de facto complainant (PW1), the material witnesses (PW2 to PW6), and even the attesting witnesses to the alleged confession and recovery have not supported the prosecution case. In the absence of substantive and reliable ocular evidence corroborating the investigation, the testimony of the official witnesses alone cannot form the basis for conviction. Therefore, while the evidence of PW8 to PW10



establishes the manner in which the investigation was conducted, it does not advance the prosecution case so as to prove the charges against the accused beyond reasonable doubt.

23. Upon a careful consideration of the entire oral and documentary evidence available on record, the prosecution case is primarily based upon the evidence of PW1, the de facto complainant and the alleged victim. However, PW1 has completely resiled from her earlier version and has not attributed any overt act against the accused. She has categorically denied the alleged occurrence and has deposed that there was no dispute between her family and that of the accused. PW2 has also denied the alleged motive and has not supported the prosecution case. Likewise, PW3 to PW6 have turned hostile and have not spoken anything incriminating against the accused. Though PW4 and PW5 admitted their signatures in the confession statement and seizure mahazar, they have not supported the prosecution regarding the alleged confession or recovery of the firearm.

24. The evidence of PW7, the Ballistics Expert, establishes only that M.O.1 is a country-made SBML firearm, that it had been fired prior to examination, and that it was in working condition. Such scientific



evidence is only corroborative in nature and does not establish that the accused had used the said firearm during the alleged occurrence. Similarly, the evidence of PW8 to PW10 only speaks about the investigation conducted by the police and the procedural formalities undertaken during the course of investigation. In the absence of reliable substantive evidence connecting the accused with the alleged offences, the testimony of the official witnesses cannot, by itself, form the basis for conviction. Consequently, this Court is of the considered view that the prosecution has failed to establish the guilt of the accused for the offences punishable under Sections 294(b) and 307 IPC read with Section 27(1) of the Arms Act, 1959, and Section 25(1) (A) of the Arms Act, 1959. Therefore, the accused is entitled to the benefit of doubt and deserves to be acquitted. However, the firearm marked as M.O.1 is an unlicensed firearm, and the accused has not established any lawful entitlement to possess the same. Hence, M.O.1 shall not be returned to the accused. The said firearm is ordered to be confiscated to the State Government and shall be disposed of by the competent authority in accordance with the provisions of the Arms Act, the Arms Rules, and the applicable Government instructions,



after the expiry of the appeal period or subject to the result of any appeal and accordingly the Point is answered.

25. In the result,

(i) The accused found not guilty of the offences punishable under Section 294(b) IPC, Section 307 IPC read with Section 27(1) of the Arms Act, 1959, and Section 25(1)(A) of the Arms Act, 1959.

(ii) Accordingly, he is acquitted under Section 235(1) of the Code of Criminal Procedure, 1973.

(iii) The bail bond, if any, executed by the accused shall stand cancelled after the expiry of the appeal period.

(iv) The material object, namely M.O.1 – Country-made SBML firearm, is ordered to be confiscated to the State Government, after the expiry of the appeal period, and the competent authority shall take steps for its disposal in accordance with the Arms Act, the Arms Rules,."



Dictated to the Steno typist, directly typed by him in computer, corrected and pronounced by me in the Open Court, on this day 01st day of August , 2026.

Principal Sessions Judge
Vellore District

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

Prosecution Witness No.	Name of witness Tr/Tmt	Description
1	Valarmathi	Complainant
2	Jaikumar	Observation Mahazar witness
3	Chinnakka	Eye witness to incident
4	Pandu	Confession Statement and Seizure Mahazar witness
5	Ravi	Confession Statement and Seizure Mahazar witness
6	Chinnasamy	Observation Mahazar witness
7	Thirunavukkarasu	Expert witness
8	Umachandran	Investigation Officer
9	Rajendiraprasad	Investigation Officer
10	Ulaganathan	Investigation Officer

2. List of Defence Witness:- -NIL-

**3. List of Prosecution Exhibits:**

Exhibit No.	Date	Description of Exhibit	Proved/ Attested by
1	21.10.2017	Signature of PW1 in Complaint	PW1
2	21.10.2017	1 st signature in Confession Statement	PW4
3	21.10.2017	1 st signature in Seizure Mahazar	PW4
4	21.10.2017	2 nd signature in Confession Statement	PW5
5	21.10.2017	2 nd signature in Seizure Mahazar	PW5
6	21.10.2017	1 st signature in Observation Mahazar	PW6
7	21.12.2017	Ballistics Report	PW7
8	21.10.2017	F.I.R.	PW9
9	21.10.2017	Complaint	PW9
10	21.10.2017	Observation Mahazar	PW9
11	21.10.2017	Rough Sketch	PW9
12	21.10.2017	Admissible Portion in Confession Statement	PW9
13	21.10.2017	Seizure Mahazar	PW9
14	26.03.2021	Alteration Report	PW10

4. List of Defence Exhibits: - NIL-

**5. Material Objects:-**

Material Object No.	Description of the Exhibit	Proved by / Attested by
1	One country-made Single Barrel Muzzle Loading (SBML) firearm fitted with five binding bands and a ramrod, having an overall length of 151 cm, a barrel (iron portion) measuring 115 cm in length, a wooden stock measuring 87 cm in length, a butt width of 12 cm, and a barrel bore diameter of approximately 1 cm.	PW9

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.III, Vellore.
5. The Inspector of Police, Veppankuppam Police Station.
Through The Public Prosecutor, Principal Sessions Court,
Vellore.
6. Spare Copies