

**IN THE COURT OF JUDICIAL MAGISTRATE, GUDIYATTAM,
VELLORE DISTRICT**

Present: R.Saranya, B.A.,LLB., (Hons), LLM

Judicial Magistrate, Gudiyattam.

On Saturday, this 4th day of July, 2026

Calendar Case (C.C) No. 309/2019

in

Crime No. 284 of 2016

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 309 of 2019
2	Name of the Police Station and Crime Number of the Offence	State Represented by Melpatti Police Station, Cr.No. 284/2016, U/S- 147, 294 (b), 448, 506 (i), 352 IPC. Complainant
3	Name	A1-Ramamoorthy (67 Yrs), S/o Rangan, Sankarapuram, Nariyambut post, Pernambut. A2- Rangammal (66 Yrs), S/o Rangan, Sankarapuram, Nariyambut post, Pernambut.
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	

	A3-Jothi (57 Yrs), S/o Perumal, Udayarajapalayam, Thottalam, Ambur. A4-Suntharammal (66 Yrs), S/o Venkadasamy, Sankarapuram, Nariyambut post, Pernambut. A5-Rukkammal (76 Yrs), S/o Ramoorthy, Sankarapuram, Nariyambut, Pernambut. A6-Murugesan (65 Yrs), S/o Munisamy, Nariyamman koil street, Sankarapuram, Nariyambut, Pernambut. A7-Govindan (48 Yrs), S/o Gurusamy, Sankarapuram, Nariyambut, Pernambut. A8-Murugan (50 Yrs), S/o Rangan, Sankarapuram, Nariyambut, Pernambut. A9-Palani (45 Yrs),
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			S/o Munisamy, Sankarapuram, Nariyambut, Pernambut. A10- Murugan (50 Yrs), S/o Rangan, Sankarapuram,
8.	Occurence		17-11-2016
9	Date of Final Report Andn Date of Filing of Final Report		28-02-2017
10	Date of Apprehension or appearance		A1-27/11/2016 A2 to A8- 23/12/2016
11	Release on bail		A1-30/11/2016 A2 to A8 – 23/12/2016
12	commitment		Not applicable
13	Details of Criminal Miscellaneous Petitions (CMP's)		--
14	Date of Chief examination of witnesses		Cross examination
	PW1	23-02-2021	02-07-2026
	PW2	23-02-2021	02-07-2026
	PW3	23-02-2021	23-02-2021

	PW4	26-07-2022	---
	PW5	26-07-2022	---
	PW6	02-07-2026	02-07-2026
15	Commencement of Trial		23-02-2021
16	Closure of Trial		02-07-2026
17	Sentence or order		The accused A1 to A5 and A7 to A10 are not found guilty and acquitted of the charges under section 147, 294 (b), 448, 506 (i), 352 IPC. This acquittal is recorded under section 248 (1) CRPC.
18	Service of copy of Judgement or Finding on Accused		No, copy of judgment uploaded in CIS Portal.
19	Explanation of delay		Due to non-appearance of accused and Prosecution side failed to produce witness promptly.
20	Property Order		No property has been remanded in this case. Hence, no order as to property.
<i>Paragraphs in the judgment assigned continuous paragraph numbers in due obedience of the direction of the Hon'ble Supreme Court of India in BS Hari Commandant vs Union of India and Other (2023 LiveLaw SC 303)</i>			

This case came up for final hearing before me on 04.07.2026 in the presence of Mr.B.Rajan Babu., Advocate, Learned Counsel for the accused and the learned Assistant Public Prosecutor Grade II for the State. Having heard both sides. Perused the records and having stood over for consideration till this date, this court delivers the following:

JUDGMENT

I.CASE OF THE PROSECUTION:

1)The case of the prosecution is that on 17-11-2016 at about 8.30PM when the de facto complainant Kala and her husband were in their house, the accused A1 to A10 joined together and abused them in filthy language. The accused A2 and A3 abused LW2 Jothi and assaulted them with their hands and threatened with dire consequences. Thus, the prosecution filed charge sheet under section 147, 294 (b), 448, 506 (i), 352 IPC. Thus, the case of the prosecution.

II.THE ACCUSATION AND PLEA OF ACCUSED

2)Upon service of the summons under section 204 of the code of criminal procedure and appearance of the accused A1 to A10 copies of the final report and documents were given to the accused in compliance with section 207 of the code. After providing them with sufficient opportunity and reviewing the material records, this court prima facie found an offence triable by this court. Consequently, charges framed against the accused A1 to A10 offence u/s 147, 294 (b), 448, 506 (i), 352 IPC and questioned, accused pleaded not guilty and claimed to be tried. The plea of the accused was recorded and case was posted for trial.

III EVIDENCE ADDUCED BY THE PROSECUTION

3) In order to prove the accusation against the accused, the prosecution examined witnesses, PW1 to PW6. Exhibits P1 to P5 were marked on behalf of the prosecution. No witnesses were examined and no documents were marked on behalf of the defence.

PW 1 to PW3 are the eye-witnesses to the incident. PW4 and PW5 are the witness to the observation mahazar and rough sketch. PW6 is the Investigation officer in the case.

IV QUESTIONING UNDER SECTION 351 BNSS., 2023

4) The circumstances appearing in the evidence against the accused were put to him and his answer was elicited. The accused replied that the case against him is false. The accused further stated that there are no defence witnesses and evidence.

V POINT FOR DETERMINATION

5) Whether the prosecution has proved beyond all reasonable doubts that the accused A1 to A5 and A7 to A10 has committed the offences charged against them?

VI APPRECIATION OF FACTS AND EVIDENCE

6) Before the commencement of trial itself, the accused A6 Murugesan died and his death certificate was filed and verified. Hence, charges against A6 stands abated. PW1 Kala, the injured and the de facto complainant in this case deposed in her chief examination about the occurrence of the alleged incident, in her cross-examination dated 02-07-2026, PW1 deposed that the accused persons are her relatives and neighbor and the at the time of the alleged incident, there were around 30 to 40 people. She also deposed that she does not know who was the cause for

the alleged incident. PW1 further stated that she signed only in an unwritten white paper and the complaint was written by police.

7) PW2 Venkatesan, yet another eye-witness to the incident, deposed that PW1 is his wife and in his chief-examination about the alleged incident. He also deposed in her cross-examination dated 02-07-2026, PW2 deposed that the accused persons are her relatives and neighbor and the at the time of the alleged incident, there were around 30 to 40 people. He also deposed that he does not know who was the cause for the alleged incident. PW1 further stated that his wife signed only in an unwritten white paper and the complaint was written by police.

8) PW3 Kaliyappan, eye-witness to the alleged incident turned hostile and failed to support the prosecution case. PW4 Manjappan, yet another eye-witness to the alleged incident turned hostile and failed to support the prosecution case. PW5 Meganathan, witness to the observation mahazar and rough sketch turned hostile and failed to support the prosecution.

9) When the complainant of the case and other key witnesses failed to support the prosecution version of the alleged incident and other witnesses of the case itself turned hostile, the prosecution requested to dispense the other witnesses listed in the final report. The same is allowed and other witnesses are dispensed with from examination.

10) Further prosecution filed a petition under section 311 CRPC and prayed to examine Special Sub-Inspector Shankar as an additional witness instead of investigation officer, SSI Moorthy since he was transferred. PW4, Special Sub-Inspector Shankar submitted his evidence based on the documents.

VII ANALYSIS

11) On analysis of evidence of PW1 to PW5, PW3 to PW5 eye witness and mahazar witness turned hostile. Hence, their evidence will not be helpful in incriminating the accused. On analysis of evidence of PW1 and PW2, the injured witnesses in this case, though both witness deposed in detail about the occurrence of the alleged incident in their cross-examination, both PW1 and PW2 stated that there around 30 to 40 persons at the time of alleged incident and they do not know who caused the alleged incident. It is pertinent to note that PW1, Kala, the defacto complainant admitted in her cross-examination that she signed only in an unwritten white paper and police wrote the complaint.

12) PW 6, SSI Shankar deposed as additional witness and submitted his evidence only based on the documents available in this case. When all the key witnesses of a case turned hostile, except the testimony of PW 6 SSI Shankar is there on record to prove the offence alleged against him. Yet when PW1, the complainant itself, doesn't uphold the case of the prosecution, a conviction based on sole testimony of PW6 whose evidence is completely based on documents is not lawful. Therefore, from an overall analysis, the prosecution failed to prove the overall charges alleged against the accused beyond reasonable doubt.

VIII.DECISION:

13) The accused A1 to A5 and A7 to A10 are found not guilty and acquitted of the offences under section 147, 294 (b), 448, 506 (i), 352 Indian Penal Code, 1860 as per section 248 (1) of the Code of Criminal Procedure, 1973. Bonds stand

cancelled after the expiry of the appeal period. No property has been remanded in this case. Hence, no order as to property.

This order is dictated by me to the Steno typist, corrected and pronounced by me in open court on this the 04th day of July 2026.

S/d-R.Saranya

Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1	Kala.
PW-2	Venkatesan.
PW-3	Kaliyappan.
PW-4	Manjan @ Manjappan.
PW-5	Meganathan.
PW-6	Shankar

2. List of Prosecution side documents:-

Ex.P1	Complaint.
Ex.P2	PW5 Signature in the Observation Mahazar.
Ex.P3	First Information Report.
Ex.P4	Observation Mahazar.
Ex.P5	Rough Sketch.

3. Prosecution side of Material Object: NIL

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.

