

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

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

Judicial Magistrate, Gudiyattam.

On Thursday, this 30th day of April, 2026

Calendar Case (C.C) No. 361/2023

in

Crime No. 316 of 2022

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 361 of 2023
2	Name of the Police Station and Crime Number of the Offence	State Represented by Pernambut Police Station, Cr.No. 316/2022, U/s.294 (b), 324, 506 (2) IPC. Complainant
3	Name	Kalaiyaran, age-25, S/o. Kumar. Mathur Village, Pernambut, Vellore District. Accused
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	
8.	Occurrence	16.07.2022
9	Date of Final Report And Date of Filing of Final Report	25.08.2022

10	Date of Apprehension or appearance	---	
11	Release on bail	---	
12	commitment	Not applicable	
13	Details of Criminal Miscellaneous Petitions(CMP's)	--	
14	Date of Chief examination of witnesses	Cross examination	
	PW1	15.10.2025	---
	PW2	28-04-2026	---
	PW3	28-04-2026	28-04-2026
15	Commencement of Trial	15.10.2025	
16	Closure of Trial	28-04-2026	
17	Sentence or order	The accused Kalaiyaranan not found guilty and acquitted of the charges under section 294 (b), 324, 506 (2) 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 30-04-2026 in the presence of Mr.B.Rajanbabu., 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 16/07/2022, the accused, Kalaiyaran, allegedly asked LW-1, Harish, to attend a music concert held in Mathur. After both LW-1 and the accused had consumed alcohol and the concert ended at approximately 10.00 PM, they were near the Mathur Mariamman Temple. At that time, the accused abused him in filthy words and on continuation of the same act the accused assaulted LW1 and LW2 with Knife and threatened him with dire consequences. Thus, the prosecution filed charge sheet under section 294 (b), 324, 506 (2) 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 copies of the final report and documents were given to the accused in compliance with section 207 of the code. After providing him 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 offence u/s 294 (b), 324, 506 (2) 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 PW3. Exhibits P1 to P7 were marked on behalf of the prosecution. No witnesses were examined and no documents were marked on behalf of the defence.

PW 1 is the first informant in the case. PW 2 is the eye-witness. PW3 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 has committed the offences charged against him?

VI. APPRECIATION OF FACTS AND EVIDENCE

6) PW 1, Harish, the de facto complainant in this case, stated that he know the accused and the accused is his friend. He further deposed that on 16/07/2022 at 10.00pm in the music concert conducted at mathur village the accused abused him filthy words and assaulted him with knife. However in the cross examination, PW1 admitted that he and the accused are friends and they both went together to the music concert and they both only had a wordy quarrel. PW1 admitted that 7 to 8 persons joined together in that quarrel and he fell down and he does not know how the injury occurred. PW1 admitted that since the place is very dark he does not know who was the reason for injury.

7) PW2 Rajeshkumar deposed that he doesn't know anything about the case and turned hostile.

8) When the complainant of the case and other key witness 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.

9) Further prosecution filed a petition under section 311 CRPC and prayed to examine Sub-Inspector Raju as an additional witness instead of investigation officer, SSI Ravi and SI Devaprasath and since they were transferred. PW3, Sub-Inspector Raju submitted his evidence based on the documents.

VII. ANALYSIS

10) On analysis of evidence of PW1 though initially complainant deposed that the accused kalaiyaran assaulted him, in his cross-examination PW1

admitted that injury occurred as he fell down and he does not know who was the reason for injury. It is pertinent to note that before the cross-examination PW1 and the accused jointly filed petition under section 320(2) CRPC and the same was numbered and dismissed by this court. PW2, stated that he didn't know anything about the case and turned hostile. Hence, their evidence will not be helpful in incriminating the accused.

11) PW3, Sub-Inspector Raju 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 PW3 Sub-Inspector Raju 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 PW3 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:

12) The accused Kalaiyaran is found not guilty and acquitted of the offences under section 294 (b), 324, 506 (2) IPC as per section 248 (1) of the CRPC. 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 30th day of April 2026.

Sd/-R.Saranya,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Harish.

PW-2 Rajeshkumar.

PW-3 Raju.

2. List of Prosecution side documents:-

Ex.P1 PW1 signature in the Complaint.

Ex.P2 Complaint.

Ex.P3 First Information Report.

Ex.P4 Observation Mahazar.

Ex.P5 Rough Sketch.

Ex.P6 Accident Register

Ex.P7 Wound Certificate.

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.