

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

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

Judicial Magistrate, Gudiyattam.

On Wednesday, this 15th day of July, 2026

Calendar Case (C.C) No. 257/2022

in

Crime No. 20 of 2013

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	CC No. 257 of 2022
2	Name of the Police Station and Crime Number of the Offence	State Represented by Melpatti Police Station, Cr.No. 20/2013, U/S- 147, 294 (b), 323, 324 IPC. Complainant
3	Name	A1-Maruthu (Died) S/o Krishnan, A2-Pazhani (Died), S/o Krishnan, A3-Velu (49 Yrs), S/o Pazhani A4-Ponnaiyan (38 Yrs), S/o Pazhani, A5-Narayasami (39 Yrs), S/o Pazhani, A3 to A5 are residing at
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	

			Mariyamman Kovil street, Navithampatti, Melpatti post.
8.	Occurence		27-01-2013
9	Date of Final Report Andn Date of Filing of Final Report		30-02-2013
10	Date of Apprehension or appearance		01-02-2013
11	Release on bail		01-02-2013
12	commitment		Not applicable
13	Details of Criminal Miscellaneous Petitions(CMP's)		--
14	Date of Chief examination of witnesses		Cross examination
	PW1	08-07-2026	---
	PW2	09-07-2026	09-07-2026
15	Commencement of Trial		08-07-2026
16	Closure of Trial		09-07-2026
17	Sentence or order		The accused A3 to A5 are not found guilty and acquitted of the

		charges under section 147, 294 (b), 323, 324 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	The case property in CP No.163/2022 is ordered to be destroyed after the lapse of appeal period.
<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 15.07.2026 in the presence of Mr.B.Rajan Babu,M.A.,B.L., 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 27-01-2013 at about 5.00PM when the defacto complainant was at his house, the accused A1 to A5 came together and abused him using filthy words. In continuation of the said act, the accused A1 to A5 assaulted him using brick and shovel. Thus, the prosecution filed charge sheet under section 147, 294 (b), 323, 324 IPC. Thus, the case of the prosecution.

II.THE ACCUSATION AND PLEA OF ACCUSED

2)Before the service of summons the accused A1 and A2 reported died and their death certificate was filed and verified. Hence, the charges against A1 and A2 stands abated. Upon service of the summons under section 204 of the code of criminal procedure and appearance of the accused A3 to A5 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 A3 to A5 offence u/s 147, 294 (b), 323, 324 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 and PW2. Exhibits P1 to P11 were marked on behalf of the prosecution. M.O.1 and M.O.2 are marked. No witnesses were examined and no documents were marked on behalf of the defence.

PW 1 is the de facto complainant. PW2 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 A3 to A5 has committed the offences charged against them?

VI APPRECIATION OF FACTS AND EVIDENCE

6) On analysis of evidence of PW1 Perumal, defacto complainant in this case deposed that he knew the accused persons and stated that he compromised the case between himself and the accused. PW1 further deposed that he does not know anything about the case and turned hostile.

7) 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.

8) Further prosecution filed a petition under section 311 CRPC and prayed to examine Special Sub-Inspector Perumal as an additional witness instead of investigation officer, Inspector Sampath since he was transferred. PW 3, Special Sub-Inspector Perumal submitted his evidence based on the documents.

VII ANALYSIS

9) On analysis of evidence of PW1 stated that he didn't know anything about the case and turned hostile. Hence, his evidence will not be helpful in incriminating the accused.

10) PW 2, SSI Perumal 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 2 SSI Perumal 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 PW2 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:

11) The accused A3 to A5 are found not guilty and acquitted of the offences under section 147, 294 (b), 323, 324 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. The case property in CP No.163/2022 is ordered to be destroyed after the lapse of appeal period.

This order is dictated by me to the Steno typist, corrected and pronounced by me in open court on this the 15th day of July 2026.

S/d-R.Saranya.,
Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Perumal.

PW-2 Perumal.

2. List of Prosecution side documents:-

Ex.P1 PW1 Signature in the Complaint.
 Ex.P2 Complaint.
 Ex.P3 First Information Report.
 Ex.P4 Observation Mahzar.
 Ex.P5 Rough Sketch.
 Ex.P6 Seizure Mahazar.
 Ex.P7 Form-91.
 Ex.P8 Accident Register of PW1.
 Ex.P9 Wound Certificate of PW1.
 Ex.P10 Accident Register of PW2.
 Ex.P11 Wound Certificate of PW2.

3. Prosecution side of Material Object: CP.No.163/2022, ½ செங்கல்-1, சிறிய மண்வெட்டி-1.

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.

