

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

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

Judicial Magistrate, Gudiyattam.

On Monday, this 6th day of July, 2026

Summary Trial Case (S.T.C) No. 1042/2025

in

Crime No. 556 of 2020

<i>Statement as per Rule 106 of the Criminal Rules of Practice, 2019</i>		
1	Serial Number	STC No. 1042 of 2025
2	Name of the Police Station and Crime Number of the Offence	State Represented by Paradarami Police Station, Cr.No. 556/ 2020, U/S- 294 (b), 427, 506 (i) IPC.Complainant
3	Name	Shivaji (40 Yrs), S/o Seenu, V.S.Puram, Paradarami, Gudiyatham Taluk. Accuse d
4	Father's Name	
5	Occupation	
6	Residence	
7	Age	
8.	Occurence	02-12-2020
9	Date of Final Report	30-01-2021

	Andn Date of Filing of Final Report		
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	29-06-2026	---
	PW2	03-07-2026	03-07-2026
15	Commencement of Trial		29-06-2026
16	Closure of Trial		03-07-2026
17	Sentence or order		The accused is not found guilty and acquitted of the charges under section 294 (b), 427, 506 (I) IPC. This acquittal is recorded under section 255 (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.42 of 2021 is ordered to be destroyed.
<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 06.07.2026 in the presence of Ms.S.Santhi., 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 02-12-2020 at about 7.00PM when the defacto complainant stopped his bike bearing registration number TN 04 P 2097 near the house of the accused Sivaji, the accused abused him in filthy words and pushed his bike on the floor and threatened him. Thus, the prosecution filed charge sheet under section 294 (b), 427, 506 (I) 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, substance of accusation against the accused u/s 294 (b), 427, 506 (I) 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 P7 were marked on behalf of the prosecution. M.O.1 marked. 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 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) Before the commencement of trial itself, the prosecution and the accused jointly filed petition under section 320 CRPC stating that they amicably resolved the dispute between them. PW1, Balaji, the defacto complainant in this case turned hostile and identified only his signature in the complaint.

7) When the complainant 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 Sub-Inspector Chandirasekaran as an additional witness instead of investigation officer, SI Ezhumalai since he was transferred. PW2, Sub-Inspector Chandirasekaran submitted his evidence based on the documents.

VII ANALYSIS

9) On analysis of evidence of PW1, the defacto complainant, stated that he didn't know anything about the case and turned hostile. Hence, his evidence will not be helpful in incriminating the accused. It is pertinent to note that both parties jointly filed petition under section 320 CRPC compounding the offence and the same was numbered and dismissed by this court.

10) PW 2, SI Chandirasekaran 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 SI Chandirasekaran 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 is found not guilty and acquitted of the offences under section 294 (b), 427, 506 (I) Indian Penal Code, 1860 as per section 255 (1) of the Code of Criminal Procedure, 1973. Bonds stand cancelled after the expiry of the appeal period. The case property in CP No.42 of 2021 is ordered to be destroyed.

This order is dictated by me to the Steno typist, corrected and pronounced by me in open court on this the 06th day of July 2026.

S/d-R.Saranya.,

Judicial Magistrate,
Gudiyatham.

Appendix:

1. List of Prosecution side Witnesses:-

PW-1 Balaji.
PW-2 Chandirasekaran.

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 Seizure Mahazar.
Ex.P7 Form 91.

3. Prosecution side of Material Object: C.P. No.42/2021, Hero Honda Splr பதிவு எண் TN-04-P2097 என்ற வண்டியின் உடைய கியர் பாக்ஸ் டோர் மற்றும் டோரின் உடைந்த பாகங்கள்.

4. List of Accused side Documents and witnesses : NIL

5. List of Material Objects: NIL

//True Copy//

Judicial Magistrate,
Gudiyatham.

