

TNVR150005992025

Presented on : 27-02-2025

Registered on : 16-05-2025

Decided on : 29-06-2026

Duration : 1 years, 4 months, 2 days

**IN THE COURT OF JUDICIAL MAGISTRATE****ARUPPUKOTTAI****PRESENT : Selvi. D.Jeyapradha, B.A.,B.L.,(Hon's)****Judicial Magistrate****Aruppukottai.****Monday, the 29th day of June 2026****Calendar Case. No : 206/2025**

The State rep. by The Sub-Inspector of Police, Pandalgudi Police Station, Aruppukottai.	:	Complainant
//Verus//		
1. Sakthivel, 29/26, S/o. Sangar, 12/2862 Lingapuram street, Pandalgudi. 2. Ashokkumar, S/o. Kangaraj, 12/2892, Lingapuram street, Pandalgudi.	:	Accused

1.	Serial Number	CC.No.206/2025
2.	Name of the Police Station and Crime Number	Pandalgudi Police Station Crime No.19/2025
3.	Name of Accused	1. Sakthivel, 29/26,

4.	Age	S/o. Sangar, 12/2862 Lingapuram street, Pandalgudi.		
5.	Father's Name	2. Ashokkumar, S/o. Kangaraj,		
6.	Residence	12/2892, Lingapuram street, Pandalgudi.		
7.	Occupation	A1- Coolie A2- Coolie		
8.	Occurrence date	15.01.2025		
9.	Date of Complaint	17.01.2025		
10.	Date of Apprehension	Accused served with notice under section 35(3) and (4) BNSS , dt.26.01.2025, hence he is not arrested		
11.	Release on Bail	-NA-		
12.	Date of Commitment	-NA-		
13.	The Period of remand of the Accused	-NA-		
14.	The date of filling of the Complaint/ final report in the Court	27.05.2025		
15.	The date of committal of the case to the Court of Session	-NA-		
16.	The date of questioning of accused under section 228, 240, 246 and 65 of the Code of Criminal Procedure 1973, as the case may be	11.11.2025		
17.	Filing of all miscellaneous Petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 317 of the code	-		
18.	Date of Examination in chief and Cross- Examination of a witness	witness	Examination of Chief	Cross- Examination
		PW1	03.02.2026	03.02.2026
		PW2	03.02.2026	03.02.2026
		PW3	08.04.2026	08.04.2026
		PW4	08.04.2026	08.04.2026

		PW5	08.04.2026	08.04.2026
		PW6	08.04.2026	08.04.2026
		PW7	08.04.2026	08.04.2026
		PW8	01.06.2026	01.06.2026
19.	Date of examination of the accused under Section 313(1) (b) of the code	11.06.2026		
20.	Details of abscondence of an accused and his appearance/ production , as the case may be and grant of stay by superior Courts and the results there of	-		
13.	Date of Commencement of Trial	03.02.2026		
14.	Date of closure of Trial	16.06.2026		
15.	Sentence or Order	29.06.2026		
16.	Service of Copy of judgment of finding on Accused	Case ended in Convicted , hence copy furnished.		
17.	Explanation of delay	No delay		

This case came up for final hearing before this Court on 16.06.2026 in the presence of Mr.V.SenthilKumar, Learned Assistant Public Prosecutor for the state and Mr.A.Arumugaperumal, B.A., B.L., Learned counsel for the Accused. After perusal of the available case records, and upon hearing arguments of both sides and having stood over for consideration till this day, this Court delivers the following:

JUDGMENT

1. The Sub- Inspector of Police, Pandalgudi Police Station, has filed a final report in connection with an incident allegedly happened on 15.01.2025 As per the final report, it is stated that the complainant has been serving as the President of the 24 Manai Telugu Chettiar Association. Owing to a dispute between two rival groups of

the 24 Manai Telugu Chettiar Association regarding its administration, the Sri Kalliamman Temple and the public mutt were sealed by the Revenue Divisional Officer. Following the alleged breaking of the locks of the temple and mutt, the accused suspected that the this complainant had lodged a complaint against them for breaking the lock and seal. It is alleged that, on 15.01.2025, the first accused, at about 3.00 p.m. near the public mutt, abused the complainant in filthy language by calling him "தேவிடியா மகனே" and threatened to kill him. Later, at about 8.30 p.m. on the same day, the second accused allegedly came to the complainant's house, similarly abused him in filthy language by calling him "தேவிடியா மகனே, தாயோழி மகனே" and criminally intimidated him with threats to kill. Based on these allegations, the final report has been filed against the accused for offences punishable under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita (herein after called as 'BNS').

2. COGNIZANCE:

Upon perusal of the charge sheet, this Court was satisfied that a prima facie case has been established against the accused. Accordingly, this Court took cognizance of the offences under Sections 296(b), 351(3) of the BNS and issued summons to the accused. Upon their appearance before the Court, copies of the case records were duly furnished to them at free of cost, in compliance with Section 230 of the BNSS.

3. FRAMING OF CHARGES:

Upon perusal of the records, this Court was satisfied that there is ground for

proceeding against the accused and hence, charges are framed against them. The accused are charged under sections 296(b), 351(3) of the BNS. The charges are then read over and explained to them as per the mandate of section 263 of BNSS. Having understood the charges, accused did not plead guilty and claimed to be tried. Hence, this court proceeded with the trial of the case.

4. PROSECUTION WITNESSES

In support of its case, the Prosecution examined Eight witnesses, PW1 to PW8 and Exhibits P1 to P4 were marked. After the examination of the above witnesses, the prosecution's evidence was closed.

5. EVIDENCE OF THE PROSECUTION IN BRIEF:

5.1. The PW1, the complainant, deposed that disputes relating to the breaking of the locks of the Kaliamman Temple and the public mutt led the accused to suspect that he had lodged the complaint against them. According to him, on 15.01.2025, A1 abused and threatened him near the mutt at about 3.00 p.m., and later the same day, A2 came to his house at about 8.00 p.m., abused him in filthy language, and threatened to kill him.

5.2. PW2, the wife of PW1, corroborated the version of PW1 by stating that she witnessed the first incident near the mutt and the second incident at their house, where A2 also threw a stone at the house while threatening them. PW3 and PW4 deposed that they witnessed a quarrel between the accused and PW1 regarding the

complaint relating to the temple lock-breaking incident, during which the accused abused and threatened PW1. PW5 and PW6 also stated that they saw both accused abusing and threatening PW1 for lodging the complaint. However, none of these independent witnesses clearly distinguished between the two separate incidents alleged by the prosecution. PW7, the observation mahazar witness, spoke about the preparation of the Observation Mahazar and Rough Sketch at the place of occurrence by the police. PW8, the Investigating Officer, deposed regarding the registration of the FIR, inspection of the scene of occurrence, issuance of summons to the accused, conduct of the investigation, and filing of the final report under Sections 296(b) and 351(2) of the Bharatiya Nyaya Sanhita.

6. SECTION 351(1)(b) OF CRPC PROCEEDINGS:

Upon completion of the prosecution evidence, Accused are examined under Section 351(1)(b) of the BNSS, and the incriminating circumstances arising from the evidence on record were put forth to them. Accused denied all the allegations and the incriminating circumstances brought forth by the prosecution. No oral or documentary evidence was adduced on behalf of the accused. Accordingly, the defence evidence was closed.

7. POINTS FOR DETERMINATION:

On perusal of the connected documents and records, the questions that arise for consideration in this case are enumerated below,

- i) Whether the Prosecution has established the ingredients of the offence under sections 296(b), 351(3) of the BNS against both Accused?**
- ii) Whether the Prosecution has proved the case beyond all reasonable doubt as against both Accused?**

Both sides' counsels placed their submissions to substantiate their case.

8. APPRECIATION OF EVIDENCE AND DISCUSSION:

(Both of the above points involve similar adjudication; hence, this court is inclined to address these two points simultaneously in order to avoid recapitulation of facts and evidence)

8.1. Before addressing the points for consideration, it is pertinent to note that in criminal proceedings, the burden of proof squarely lies on the Prosecution, which must establish the guilt of the accused beyond a reasonable doubt. As per Section 104 of the Bharatiya Sakshya Adhiniyam, 2023 (herein after referred to as BSA), it is incumbent upon the Prosecution to prove the allegations levelled against the Accused beyond all reasonable doubt as stated above.

8.2. The case of the prosecution is that, due to an internal dispute over the administration of the 24 Manai Telugu Chettiar Association, two rival groups were formed, leading to the sealing of the association's Sri Kaliamman Temple and community mutt by the Revenue Divisional Officer, Aruppukottai. It is alleged that the locks affixed to the temple and mutt were broken on 01.11.2024, in respect of

which complaints were lodged and a criminal case was registered. Subsequently, alleging that the de-facto complainant herein had lodged the said complaint against them, the first accused, on 15.01.2025 at about 3.00 p.m., is stated to have abused the complainant in filthy language and criminally intimidated him with threats to kill. Later, at about 8.30 p.m. on the same day, the second accused is also alleged to have similarly abused the complainant in obscene language and threatened to kill him.

8.3. The learned Assistant Public Prosecutor contended that the evidence of PW1 and PW2, duly corroborated by PW3 to PW6, which clearly establishes that both accused abused the complainant in filthy language and criminally intimidated him on account of the complaint lodged against them. Hence it was submitted that the prosecution has proved its case beyond reasonable doubt and that the accused are liable to be convicted.

8.4. To the contrary the learned counsel for the accused contended that the case is false and has been foisted due to the prior enmity between the two rival groups of the association. It was submitted that, while the prosecution alleges two distinct incidents involving A1 and A2 separately, PW3 to PW6 have spoken only about a single incident involving both the accused, which is contrary to their claim. It was further argued that there are material contradictions regarding the occurrence, the overt acts attributed to each accused, and the words allegedly uttered. The learned counsel also submitted that PW1 has not stated that the alleged threats caused any fear or alarm in

his mind. Hence, the prosecution has failed to establish the essential ingredients of the offences under Sections 296(b) and 351(3) BNS beyond reasonable doubt, and thus the accused are entitled to be acquitted from the aforesaid charges.

Section 296(b) BNS:

8.5. The allegation against both accused to attract the offence under Section 296(b) BNS is that they used abusive language against PW1 in a public place. To establish an offence under Section 296(b) BNS, which deals with obscene acts and songs, the prosecution must prove that the accused:

- 1) uttered obscene words;
- 2) did so in or near a public place; and
- 3) caused annoyance to others.

8.6. Mere abusive, humiliating, or defamatory words are not sufficient to constitute the offence under Section 296(b) BNS, but must be proved by establishing that it was to the annoyance of others. Reliance is placed on the decision of Hon'ble Madras High in **Alaguvel vs The state Rep by Inspector of Police Veeraganur Police station and another** , CRL.O.P.No. 19048 of 2020, Dt.29.06.2022, wherein it was held as follows,

7. Admittedly, there is absolutely no words uttered by the petitioner as such to constitute the offence under Section 294(b) of IPC, there is no averments and allegations. Further the charges do not show that on hearing the obscene

words, which were allegedly uttered by the petitioner, the witnesses felt annoyed. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the petitioner annoyed others, it cannot be said that the ingredients of the offence under Section 294(b) of IPC is made out.

8. It is relevant to rely upon the judgment reported in **1996(1) CTC 470** in the case of **K.Jeyaramanuju Vs. Janakaraj & anr.**, which held as follows :-

"To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case."

The above judgment is squarely applicable to the present case and therefore, the offence under Section 294(b) of IPC is not at all attracted as against the petitioner.

Further The Hon'ble Supreme Court in **N.S. Madhanagopal and Another Vs. K. Lalitha**, reported in 2022 SC Online SC 2030, has held as follows,

It has to be noted that in the instance case, the absence of words which will involve some lascivious elements arousing sexual thoughts or feelings or words cannot attract the offence under Section 294(b). None of the records disclose the alleged words used by the accused. It may not be the requirement of law to reproduce in all cases the entire obscene words if it is lengthy, but in

the instant case, there is hardly anything on record. Mere abusive, humiliating or defamative words by itself cannot attract an offence under Section 294(b) IPC. To prove the offence under Section 294 of IPC mere utterance of obscene words are not sufficient but there must be a further proof to establish that it was to the annoyance of others, which is lacking in the case. No one has spoken about the obscene words, they felt annoyed and in the absence of legal evidence to show that the words uttered by the appellants accused annoyed others, it cannot be said that the ingredients of the offence under Section 294 (b) of IPC is made out.

8.7. As Section 296(b) BNS is the corresponding provision to Section 294(b) IPC, the ratio laid down in the above decisions interpreting Section 294(b) IPC can be relied upon for deciding the this case. In the present case, the prosecution has alleged two distinct incidents. The first incident is stated to have occurred at about 3.00 p.m. near the community mutt, wherein the first accused alone is alleged to have abused and threatened the PW1. The second incident is alleged to have taken place at about 8.30 p.m. in front of the house of PW1, wherein the second accused alone is alleged to have abused and threatened the PW1.

8.8. A careful scrutiny of the evidence reveals material inconsistencies in the prosecution case. PW1, the complainant, has not deposed that he suffered any annoyance on account of the filthy words allegedly uttered by the first accused during

the first occurrence. On the contrary, he has only spoken about the humiliation allegedly caused by the utterances of the second accused during the second occurrence. PW2, the wife of PW1, has corroborated the version of PW1.

8.9. However, the evidence of the independent eyewitnesses, namely PW3 and PW4, who were cited as witnesses to the first occurrence, and PW5 and PW6, who were cited as witnesses to the second occurrence, is wholly inconsistent with the prosecution version. All these witnesses have uniformly deposed that both the accused jointly abused PW1 at about 3.00 p.m. They have not spoken anything whatsoever regarding the alleged second occurrence at 8.30 p.m. in front of the complainant's house. Thus, the independent witnesses have merged both incidents into a single occurrence involving both accused, which is in direct contradiction to the prosecution case that the first occurrence was committed exclusively by A1 and the second occurrence exclusively by A2.

8.10. Further, the obscene words attributed to the accused, testified by PW3 and PW5 materially differs from the obscene word testified by PW1. None of the independent witnesses has stated that the alleged utterances caused annoyance, or humiliation. Admittedly, there existed prior enmity between the parties arising out of disputes relating to the administration of the Association. In such circumstances, the evidence of the prosecution witnesses requires careful scrutiny.

8.11. In view of the material contradictions regarding the number of occurrences, the

identity of the accused involved in each occurrence, the overt acts attributed to them, and the absence of reliable evidence establishing the essential ingredients of the offence, this Court is of the considered view that **the prosecution has failed to prove the ingredients of offence under Section 296(b) of BNS beyond all reasonable doubts against both accused.**

Section 351(3) of BNS :

8.12. The allegation against both accused, insofar as it relates to the offence under Section 351(3) BNS, is that on 15.01.2025, the first accused, at about 3.00 p.m. near the public mutt, and the second accused, at about 8.30 p.m. in front of the house of PW1, separately threatened the complainant by stating that, since he had lodged a complaint against them, they would not spare him and would kill him.

8.13. The evidence provided by PW1 is completely silent on whether any fear or alarm was actually caused in his mind as a result of the alleged threat. The psychological impact on the victim is a key component in proving the offence under Section 351(3) BNS. To sustain a conviction under Section 351(3) BNS, the prosecution must prove not only that there was a threat but also that the threat must have genuinely caused an alarm in the mind of PW1. Reliance is placed on the decision of Hon'ble Madras High in **Noble Mohandass vs State**, reported in **1989 CrL LJ 669**, wherein it was held as follows,

7. As far as the offence under Section 506(2) is concerned, the learned counsel

for the revision petitioner contended that the threat was not a real one, that it was of the kind of words which are currently and frequently used by people when they are angry and that further the threat was not spoken to by P.W. 3 and P.W. 4 who by that time had already come to the scene of occurrence. It is, in fact, found from the records that the threat would have been lashed out after P.Ws. 3 and 4 came to the place and separated both the husband and wife. Therefore, the evidence of P.W. 1 should have been corroborated by the evidence of P.W. 3 and P.W. 4 who were necessary witnesses to the occurrence. Since they did not corroborate the testimony of P.W. 1 in this aspect, the offence cannot be held to be proved. Further for being an offence under Section 506(2) which is rather an important offence punishable with imprisonment which may extend to seven years, the threat should be a real one and not just a mere word when the person uttering it does exactly mean what he says and also when the person at whom threat is launched does not feel threatened actually. In fact P.W. 1 when she filed the complaint to the police officer, did not express any fear for her life nor asked for any protection. Therefore, the offence under S. 506(2) is not made out.

8.14. As Section 351(3) of the BNS is the corresponding provision to Section 506(ii) of the IPC, the ratio laid down in the above decisions interpreting Section 506(ii) IPC can be relied upon while deciding the this case. In the present case, the prosecution

has failed to establish the essential ingredients required to constitute an offence under Section 351(3) BNS. The evidence on record does not satisfactorily prove that the alleged threats were of such a nature as to cause genuine fear or alarm in the mind of PW1. The testimonies of PW2 to PW6 also do not disclose that the alleged threats caused any fear or apprehension in the mind of PW1. Further, in view of the material contradictions in the testimony of the independent witnesses, as discussed above during discussion under section 296(b) of BNS, regarding the very occurrence of the incidents and the overt acts attributed to the accused, this Court is of the considered view that there exists a serious doubt as to the very occurrence of the alleged incidents. In the absence of credible and consistent evidence demonstrating that the PW1 was actually put in fear or alarm by the alleged intimidation, the prosecution case falls short of the standard required for conviction. **Accordingly, this Court concludes that the prosecution has failed to establish the essential ingredients of the offence under Section 351(3)BNS against both accused beyond reasonable doubt.**

9. DECISION:

- i. In the result, this Court finds that **Accused A1 and A2 are not guilty of the offences under sections 296(b), 351(3) of BNS** and thus they are acquitted from the aforementioned charges as per section 271(1) of the BNSS. The Bail bond of the accused persons shall stand cancelled after the

lapse of the limitation period for preferring the appeal.

- ii. In this case, no property was recovered and produced before this court.

Hence, no order is passed.

Dictated to Steno-typist, transcribed and formatted by steno-typist and then corrected and pronounced by me in the open Court on this 29th day of June, 2026.

**Judicial Magistrate,
Aruppukottai.**

APPENDIX-A

PROSECUTION SIDE WITNESS:-

S.No.	Rank of Witness	Name of the Witness	Remarks
1.	PW1	Nadarajan	De-facto Complainant
2.	PW2	Tamilarasi	Eye Witness to incident
3.	PW3	Sundarrajan	Eye Witness to incident
4.	PW4	Muthuraj	Eye Witness to incident
5.	PW5	Mariyappan	Eye Witness to incident
6.	PW6	Thangaraj	Eye Witness to incident
7.	PW7	Subramani	Observation Mahazar Witness
8.	PW8	Ajees (Inspector of police)	Investigation Officer

APPENDIX-B

PROSECUTION SIDE EXHIBITS:-

S.No.	Exhibit	Description of document
1.	Ex.P1	Complaint
2.	Ex.P2	Observation Mahazar
3.	Ex.P3	FIR
4.	Ex.P4	Rough Sketch

APPENDIX-C**MATERIAL OBJECTS- NIL****APPENDIX-D****DEFENCE SIDE WITNESS – NIL****APPENDIX- E****DEFENCE SIDE EXHIBITS – NIL****Note:**

1. No Witnesses were detained more than three times.
2. Nature of disposal communicated to the concerned Police.
3. The Accused person is enlarged on bail during the pronounced of judgment.

Judicial Magistrate,
Aruppukottai.