

TNVR150013772025

Presented on : 16-05-2025

Registered on : 16-05-2025

Decided on : 09-07-2026

Duration : 1 years, 1 months, 24 days

**IN THE COURT OF JUDICIAL MAGISTRATE****ARUPPUKOTTAI****PRESENT : Selvi. D.Jeyapradha, B.A.,B.L.,(Hon's)****Judicial Magistrate****Aruppukottai.****Thursday, the 9th day of July 2026****Calendar Case. No : 199/2025**

The State rep. by The Sub-Inspector of Police, Pandalgudi Police Station, Aruppukottai.	:	Complainant
//Verus//		
A1- Malaichamy, (23/2026) S/o. Krishnakumar, 3/103, Sivanthinathapuram, Valvanki, Chettikurichi Post, Aruppukottai. A2- Krishnakumar, (44/2026) S/o. Mayan, 3/103, Sivanthinathapuram, Valvaki, Chettikurichi Post, Aruppukottai.	:	Accused

1.	Serial Number	CC.No.199/2025
2.	Name of the Police Station and Crime Number	Pandalgudi Police Station Crime No.34/2025
3.	Name of Accused	A1- Malaichamy, (23/2026)

4.	Age	S/o. Krishnakumar, 3/103, Sivanthinathapuram, Valvanki, Chettikurichi Post, Aruppukottai. A2- Krishnakumar, (44/2026) S/o. Mayan, 3/103, Sivanthinathapuram, Valvaki, Chettikurichi Post, Aruppukottai.		
5.	Father's Name			
6.	Residence			
7.	Occupation	A1- Labourer A2- Labourer		
8.	Occurrence date	06.02.2025		
9.	Date of Complaint	09.02.2025		
10.	Date of Apprehension	The accused A1 and A2 are arrested on 07.03.2025 and released station bail on same day		
11.	Release on Bail	The accused A1 and A2 are arrested on 07.03.2025 and released station bail on same day		
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	16.05.2026		
15.	The date of committal of the case to the Court of Session	-NA-		
16.	The date of questioning of accused under section 251, 263, 269 and 67 of the Bharathiya Nagarik Suraksha Sanhita, 2023 as the case may be	30.10.2025		
17.	Filing of all miscellaneous Petitions and their results including the results on challenge before superior Courts, except routine petitions like petitions under section 355 of the code	-		
18.	Date of Examination in chief and Cross- Examination of a witness	witness	Examination of Chief	Cross- Examination

		PW1	04.03.2026	04.03.2026
		PW2	04.03.2026	04.03.2026
		PW3	06.05.2026	06.05.2026
		PW4	06.05.2026	06.05.2026
		PW5	20.05.2026	20.05.2026
		PW6	03.06.2026	03.06.2026
		PW7	03.06.2026	03.06.2026
		PW8	08.06.2026	08.06.2026
19.	Date of examination of the accused under Section 351(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	04.03.2026		
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 acquittal , 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.SenthilKumar, Learned Assistant Public Prosecutor for the state and Mr.K.Sangilimurugan, 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 06.02.2025 at about 6.00 p.m., as per the report it is stated that when a water lorry arrived at the street of the de-facto

complainant, the first accused, Malaichamy, who was residing in the house adjacent to that of the de-facto complainant, had parked his two-wheeler across the street in front of the de-facto complainant's house, thereby obstructing the passage of the lorry from reaching the complainant's residence. It is further alleged that the de-facto complainant requested the first accused, Malaichamy, and the second accused, Krishnakumar, to move their two-wheeler slightly to one side so as to enable the lorry to pass. Enraged by the said request, both the accused allegedly responded that their vehicle had already been parked on the side of the road and abused the de-facto complainant in filthy language. When the de-facto complainant questioned them as to why they were abusing him, both the accused are alleged to have assaulted him by beating him with their hands, causing a scratch injury on the right side of his neck and a scratch injury on his lower lip. Based on these facts, final report has been filed against the accused.

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), 115(2) BNS and issued summon 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. By considering the allegations and nature of the offence, trial of warrant case procedure is adapted in this case.

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 A1 and A2 are charged under sections 296(b), 115(2) BNS. The charges is 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 P5 were marked. After the examination of the above witnesses, the prosecution's evidence was closed.

5. EVIDENCE OF THE PROSECUTION IN BRIEF:

PW1 (Karuppasamy – De facto Complainant/Injured), Deposed that when he requested the accused to remove their two-wheeler obstructing a drinking water tanker, both accused assaulted him. He stated that A2 bit his lower lip, restrained him, and pushed him against a water pipeline, causing injuries. He took treatment at the Government Hospital and lodged the complaint. PW2 (Gowri – Wife of PW1/Eyewitness), Stated that A1 refused to remove the two-wheeler, abused PW1 in filthy language, assaulted him on the lip, shoulder and forehead, while A2 restrained PW1 by holding his hands. She stated that both accused pushed PW1, causing a bleeding injury on his lip. PW3 (Shanthi – Eyewitness), Deposed that A1 abused

PW1 when requested to remove the vehicle. According to her, A2 restrained PW1, while A1 bit PW1 on the neck and assaulted him on the cheek and lip, causing injuries. PW4 (Mary – Eyewitness): Corroborated the occurrence of the quarrel over the parked vehicle. She stated that A2 restrained PW1, while A1 assaulted him on the neck, shoulder and lip. She further stated that she and others separated the parties and took PW1 to the hospital. PW5 (Pitchaikani – Observation Mahazar Witness), Spoke about the police inspecting the place of occurrence, preparing the Observation Mahazar and Rough Sketch, and obtaining his signature as an attesting witness. PW6 (Dr. Arunachalam – Medical Officer), testified that he examined PW1 on the date of occurrence and found minor abrasions on the right side of the neck and right cheek. He admitted PW1 for treatment and opined that the injuries were simple in nature. PW7 (Ganesan – Special Sub-Inspector of Police), testified that he registered the FIR in Crime No.34 of 2025 under Sections 296(b) and 115(2) of the BNS based on the complaint of PW1 and forwarded the case for investigation. PW8 (Kannan – Investigating Officer), testified that he Conducted the investigation, prepared the Observation Mahazar and Rough Sketch, examined the Medical Officer, collected the Wound Certificate, and filed the final report against the accused under Sections 296(b) and 115(2) of the BNS.

6. SECTION 351(1)(b) OF BNSS 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), 115(2) IPC against Accused?**
- ii) **Whether the Prosecution has proved the case beyond all reasonable doubt as against 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. The learned Assistant Public Prosecutor submitted that the injured witness, PW1 has clearly spoken about the assault committed by the accused, and his evidence is substantially corroborated by PW2 to PW4 and by the medical records showing injuries on PW1. Therefore, minor inconsistencies in the witnesses' versions are natural and do not affect the core prosecution case. Hence, the prosecution has proved

that the accused voluntarily caused hurt to PW1 and abused the PW1 using a filthy language in a public place.

8.2. The learned counsel for the accused contended that the prosecution has failed to prove the charge beyond reasonable doubt. The complaint does not disclose the manner of assault, and the evidence of PW1 to PW4 contains material contradictions regarding the overt acts of each accused and the injuries caused. The medical evidence also does not fully corroborate the ocular testimony. Therefore, the prosecution has failed to establish that the injuries were caused by the accused. Further the complaint and statement of witnesses recorded under section 180(3) BNSS does not disclose the exact abusive words alleged to be used by the accused and thus the accused are entitled to the benefit of doubt and prayed to acquit the accused.

8.3. SECTION 115(2) OF BNS:

To bring home the charge under Section 115(2) of the Bharatiya Nyaya Sanhita, 2023, the prosecution is required to establish beyond reasonable doubt that the accused voluntarily caused simple hurt to the victim. In the present case, the prosecution alleges that both accused struck the de-facto complainant by beating him with their hands, thereby causing a scratch injury on the right side of his neck and another scratch injury on his lower lip.

8.4. In order to substantiate the said allegation, the prosecution examined the injured witness/de-facto complainant as PW1, besides examining three alleged eye-

witnesses, PW2 to PW4. Significantly, the complaint itself does not clearly disclose the manner in which the incident took place or the specific overt acts attributed to each of the accused. Therefore, the oral evidence of PW1 to PW4 altogether assumes considerable importance in determining whether the prosecution has established the charge.

8.5. A careful scrutiny of their evidence reveals material contradictions regarding the manner of occurrence and the specific role played by each accused. PW1 deposed that A2 bit his lip and pushed him down near the water tap, but he did not attribute any specific overt act to A1, merely making a general allegation that both accused had assaulted him. PW2, the wife of PW1, gave an altogether different version by stating that A1 struck PW1 on his lips, right shoulder, and forehead using his hands, and that thereafter both accused pushed PW1, resulting in the injury to his lips. PW3, however, deposed that A1 bit PW1 on the right side of his neck, struck him on his right cheek with his hand, and further attacked him on his lips, thereby causing injuries to the neck and lips. PW4 again gave a different account by stating that A1 struck PW1 on his neck, right shoulder, and lips using his hands, without mentioning any biting or the role attributed by the other witnesses.

8.6. Thus, the evidence of PW1 to PW4 is not consistent on the material particulars of the occurrence. There is no unanimity as to which accused inflicted which injury, whether the injuries were caused by biting or by assault with hands, or even the precise part of the body on which the accused struck the PW1. These contradictions

are not minor discrepancies arising out of normal errors of observation but go to the root of the prosecution case, as they relate to the very manner in which the offence is alleged to have been committed and the individual overt acts attributed to the accused.

8.7. Further, the medical evidence also does not lend complete support to the ocular testimony. The Accident Register discloses that PW1 sustained abrasions on the right side of the neck and cheek. However, the medical findings do not satisfactorily corroborate the varying versions of the eyewitnesses regarding injuries to the lips, shoulder, forehead, or the alleged bite marks. The nature and location of the injuries recorded by the Medical Officer do not fully correspond with the oral evidence adduced by the eye witnesses.

8.8. It is true that the prosecution has established that PW1 sustained certain simple injuries. However, the mere proof of injuries is not sufficient to convict the accused unless it is further proved that such injuries were voluntarily caused by the accused in the manner alleged. In view of the material inconsistencies in the testimony of the injured witness and the alleged eyewitnesses, coupled with the lack of complete corroboration from the medical evidence, this Court is of the considered opinion that the prosecution has failed to establish beyond reasonable doubt that the injuries sustained by PW1 were the direct consequence of the attack allegedly committed by the accused. Accordingly, **this Court concludes that the essential ingredients of the offence under Section 115(2) BNS have not been proved beyond all**

reasonable doubt against the Accused.

8.9. SECTION 296(b) BNS:

The allegation against 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.

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.

8.10. 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. Upon scrutiny of the testimonies of PW1 to PW4 in the present case, it is evident that there is no clear or consistent disclosure of the exact obscene words allegedly used, nor is there any evidence to show that such utterances caused annoyance to others. The versions of PW2 to PW4 with regard to the alleged abusive words are inconsistent and contradictory . Further the victim-PW1, failed to mention any such filthy word as allegedly used by the accused. The complaint is also silent about the abusive word allegedly used by the accused. Furthermore, none of the witnesses have deposed that they experienced annoyance as a result of the alleged utterances. In such circumstances, **this Court concludes that the essential ingredients of the offence under Section 296(b) BNS have not been proved beyond reasonable doubt against the Accused.**

9. DECISION:

- i. In the result, this Court finds that Accused A1 and A2 are not guilty of the offences under sections 296(b), 115(2) 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

This judgment was dictated to steno-typist, transcribed and formatted by Steno-Typist, and then corrected and pronounced by me in the open court on this 09th Day of July 2026.

**Judicial Magistrate,
Aruppukottai.**

APPENDIX-A

PROSECUTION SIDE WITNESS:-

S.No.	Rank of Witness	Name of the Witness	Remarks
1.	PW1	Karuppasamy	De-facto Complainant
2.	PW2	Gowri	Eye Witness
3.	PW3	Santhi	Eye Witness
4.	PW4	Mery	Eye Witness
5.	PW5	Pitchaikani	Observation Mahazar witness
6.	PW6	Arunachalam (Doctor)	Expert witness
7.	PW7	Ganeshan (Special sub Inspector)	Duty Officer
8.	PW8	Kannan (Sub Inspector)	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	Accident Register
4.	Ex.P4	FIR
5.	Ex.P5	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.**