

CALENDAR AND JUDGMENT

District of Wayanad Calendar of Cases tried by the Judicial First Class Magistrate of Kalpetta

Date of							
Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explanation of delay and remarks
24.11.18	30.11.18	15.05.2019	15.05.19	01.04.2024	14.08.25	22.08.25	Nil

Judgment in Calendar Case No. **CC 780/20** on the file of the Magistrate of Kalpetta

Complainant : State represented by Sub Inspector of Police, Kambalakkad in Cr.No.384/18

Name of accused	Age	Father's name	Calling	Residence	Taluk
Mathew	50/18	Thomas	--	Pallikkunnu	Mananthavady

Offence	:	U/s. 341, 324, 294(b), 506 of IPC
Finding	:	Not guilty
Sentence or order	:	The accused is found not guilty of the offences punishable under sections 341, 324, 294(b), 506 of IPC and he is acquitted for the said offences u/s 248 (1) of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

MAGISTRATE

DOCKET

Date of Receipt

From

Remarks of the Chief Judicial Magistrate

The Judicial First Class Magistrate of Kalpetta.

Date of Dispatch

To

No.

The Chief Judicial Magistrate, Kalpetta

Date of receipt

Reply of the Chief Judicial Magistrate

Calendar Case No: **CC: 780/2020**

Date of Judgment : 22.08.2025

Date of Dispatch :

Date of Calendar : 22.08.2025

Date of Receipt :

Date of Dispatch

JUDICIAL FIRST CLASS MAGISTRATE

Date of Receipt

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, KALPETTA
Present : Sri. Nijesh Kumar P, Judicial First Class Magistrate

Saturday, this the 22nd day of August, 2025
31st day of Sravana, 1947

CC 780/2020

Complainant	:	State represented by the Sub Inspector of Police, Kambalakkad P.S in Cr.No.384/2018 (By Adv.Sri.Syam Krishna.K.R, APP, Gr.II)
Accused	:	Mathew Thomas, Aged 50/18, S/o Thomas, Idapazhath House, Pallikkunnu.P.O, Arincherimala. (Adv. Joseph Zacharias)
Offence	:	U/ss.341, 324, 294(b), 506 of IPC
Plea	:	Not Guilty
Finding	:	Not Guilty
Sentence or order	:	The accused is found not guilty of the offences punishable under sections 341, 324, 294(b), 506 of IPC and he is acquitted for the said offences u/s 248 (1) of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

The case is having been finally heard on 14.08.2025 the Court delivered the following:-

JUDGMENT

This case was taken on file on the basis of the final report filed by SI of Kambalakkad Police Station in Kambalakkad Police Station Cr.No.384/2018 alleging offences punishable under sections 341, 324, 294(b), 506 of IPC.

2. **Prosecution case in brief** :- On 01.08.2018 at 08:15 a.m, at Pallikunnu in Anjukunnu amsom, on the mud road leading to the house of Joseph.V.T, the accused, on account enmity in connection with property dispute, wrongfully restrained PW1, pushed him down and caused hurt to him by beating with umbrella. Further, the accused criminally

intimidated PW1 and used abusive words against him. Thus, the accused is alleged to have committed the offences punishable under sections 341, 324, 294(b), 506 of IPC

3. The Ext.P5 FIR was registered by PW9 based on the Ext.P1 FIS of PW1. After verifying the investigation, PW7 filed final report before the J.F.C.M-II Court, Mananthavady where the case was taken on file as CC 17/2019. The accused appeared there on summons and he was released on bail. Later the case was made over to this court for trial.

4. On the appearance of the accused before this court, after hearing both sides charge for the offences punishable under sections 341, 324, 294(b), 506 of IPC was framed and read over to the accused to which he pleaded not guilty.

5. Thereafter CW1 to CW5, CW10, CW9, CW7 and CW8 were examined as PW1 to PW9 respectively and Exts.P1 to P5 were marked. After closing the prosecution evidence, the accused was questioned u/s 313(1)(b) Cr.P.C. He denied the incriminating circumstances brought out in evidence against him. Thereafter the accused was called upon to enter his defence. The accused did not adduce evidence.

6. Points for consideration:-

1. Whether the accused wrongfully restrained PW1 and thereby committed the offence punishable u/s 341 of IPC?
2. Whether the accused caused hurt to PW1 by beating with umbrella and thereby committed the offence punishable u/s 324 of IPC?
3. Whether the accused used abusive words against PW1 and thereby committed the offence punishable u/s 294(b) of IPC?
4. Whether the accused criminally intimidated PW1 and thereby committed the offence punishable u/s 506 of IPC?
5. If found guilty what shall be the order as to sentence and punishment?

7. **Points 1 to 4:-** These points are considered together for brevity. PW1 is the informant and the injured in the incident. His FIS is marked as Ext.P1. PW2 is the wife of PW1. PW3 and PW4 are said to be the eye witnesses to the incident. PW4 is said to have

hearsay knowledge regarding the incident. PW5 is the attestor to Ext.P2 scene mahazar. PW6 is the investigating officer. PW7 conducted initial part of investigation. PW8 was the doctor attached to General Hospital, Kalpetta who issued the Ext.P4 wound certificate. PW9 recorded the FIS of PW1 and registered the Ext.P5 FIR.

8. PW1 would depose that on 01.08.2018 at 8:30 a.m, he was returning from the church. When he reached near his house the accused came from the opposite side. The accused quarreled with PW1. The accused told PW1 not to use the way. When PW1 told the accused that the way was given by his father, the accused beat all over the body of PW1 with an umbrella. When PW1 cried people gathered there. At that time the accused left the place. He further deposed that he felt pain and he had gone to hospital. Regarding the incident he had given Ext.P1 FIS to the police.

9. PW2 would depose that PW1 is her husband and that he had seen the incident in which PW1 sustained injury. The incident was happened between 8:15 a.m and 8:30 a.m on 01.08.2018. She further deposed that when she came outside of the house on hearing the cry of PW1 she could see the accused kicking PW1. PW1 told her that the accused beat him with umbrella. PW2 further deposed that PW1 was taken to General Hospital, Kainatty and from there he was referred to Kozhikode Medical College.

10. PW3 and PW4 deposed that they had not seen the incident.

11. PW5 would depose that he had signed in the Ext.P2 scene mahazar.

12. PW6 would depose that after taking over the investigation he recorded the statement of doctor and filed the final report against the accused.

13. PW7 would depose that after taking over the investigation he prepared the Ext.P2 scene mahazar and recorded the statement of witnesses.

14. PW8 would depose that on 01.08.2018 at 09:50 a.m, he examined Joseph(PW1) who came with the history of alleged assault by Mathew(accused). PW8 further deposed that Joseph complained of abdominal pain and back pain. PW8 would further depose that there were no external injuries.

15. PW9 would depose that on 24.11.2018 he recorded the FIS given by PW1 and registered the Ext.P5 FIR.

16. The above are the evidence available in the case. The learned counsel for the accused would argue that the case of the PW1 is not supported by any independent witnesses, that there are contradictions in the evidence of PW1 and PW2 and that there is no corresponding injury on the body of PW1. The learned APP would argue that the prosecution case is proved by the oral testimony of PW1 and PW2 coupled with Ext.P4 wound certificate.

17. As per the prosecution case, the accused caused hurt to PW1 by beating with umbrella. The oral testimony of PW1 is also to the effect that the accused beat him with umbrella. PW1 has no case that the accused kicked him. On analysing the Ext.P1 FIS it could be seen that his version in court regarding the incident is inconsistent with his Ext.P1 FIS. As per Ext.P1 FIS the case of PW1 is that the only blow he struck with umbrella, and PW1 blocked that blow with his umbrella. In Ext.P1 FIS PW1 has no case that the accused caused hurt to him by beating with umbrella. But his oral testimony is to the effect that the accused caused hurt to him by beating with the umbrella several times. Further, it is to be noted that as per the oral testimony of PW1, he has no case that the accused pushed him down and kicked him. But as per Ext.P1 FIS the case of PW1 is that the accused pushed him down and kicked him. As per the Ext.P1 FIS, PW2 came to the spot on hearing the hue and cry of PW1. But PW1 did not depose in court that PW2 came to the spot and had seen the incident. Even he has no case that PW3 and PW4 had seen the incident. Thus, PW1 has given oral testimony inconsistent with his Ext.P1 FIS. This cuts the root of the prosecution case especially when there is delay of about 3 months in giving the Ext.P1 FIS to the police.

18. Further, it is to be noted that though PW1 deposed that the accused beat him with the umbrella several times. There is no corresponding injury on PW1. PW8, the doctor who examined PW1 deposed that there are no external injuries on PW1. So, there is no corresponding injury on PW1. This also casts doubt on the prosecution case.

19. Thus, considering the inconsistency in the evidence of PW1 with his Ext.P1 FIS, considering the fact that there is inordinate delay of 3 months in giving complaint to the police and also considering the medical evidence to support the case of PW1. I am of the view that the prosecution has failed to prove the case beyond doubt. So the accused is entitled for an acquittal of the offences alleged against him.

20. **Point No.5:-** In view of the findings reached on points 1 to 4, this point does not arise for consideration.

In the result, the accused is found not guilty of the offences punishable under sections 341, 324, 294(b), 506 of IPC of IPC and he is acquitted of the said offences u/s. 248(1) Cr.P.C. His bail bond stands cancelled and he is set at liberty.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court this the 22nd day of August, 2025)

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE

APPENDIX

WITNESS EXAMINED FOR COMPLAINANT:

PW1	:	Joseph	:	CW1
PW2	:	Eliyamma	:	CW2
PW3	:	Jerry@ Jerald:	:	CW3
PW4	:	Shaji	:	CW4
PW5	:	Shobaraj	:	CW5
PW6	:	Ajesh.K.S	:	CW10
PW7	:	Asharaf	:	CW9
PW8	:	Dr.Muhinudheen:	:	CW7
PW9	:	Ravi	:	CW8

EXHIBITS MARKED FOR COMPLAINANT:

P1	:	FIS	:	PW1
P2	:	Scene mahazar	:	PW5
P3	:	Address report	:	PW6
P4	:	FIS	:	PW8
P5	:	FIS	:	PW9

EXHIBITS MARKED FOR DEFENCE : Nil

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE

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JUDICIAL FIRST CLASS MAGISTRATE

STATEMENT

Calendar Case Number : CC 780/2020

Nature of Offence (with section of law) : Under Sec. 341, 324, 294(b), 506 of IPC

Name and Address of the Accused : Mathew Thomas, Aged 50/18,
S/o Thomas,
Idapazhath House,
Pallikkunnu.P.O,
Arincher mala.
(Adv. Joseph Zacharias)

Date of offence : 24.11.2018

Date of filing : 05.04.2019

Date of apprehension : 15.05.2019

Commencement of trial : 01.04.2024

Close of trial : 14.08.2025

Date of judgment : 22.08.2025

Verdict and Sentence : In the result, the accused is found not guilty of the offences punishable under sections 341, 324, 294(b), 506 of IPC of IPC and he is acquitted of the said offences u/s 248(1) Cr.P.C. His bail bond stands cancelled and he is set at liberty.

Explanation of delay if any : Nil

Remarks : Nil

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE

//True Copy//

JUDICIAL FIRST CLASS MAGISTRATE

