

IN THE SESSIONS DIVISION, ALAPPUZHA

Present: Smt. Rekha Laurian, Assistant Sessions Judge, Alappuzha.

Tuesday the 07th day of April, 2026/17th day of Chaithram, 1948.**S. C. No.655/2022**

(filed on 23.06.2022)

(C.P. No.31/2022 of the Judicial First Class Magistrate Court-I, Alappuzha)

(Cr. No.267/2022 of Police Station, Alappuzha North)

Complainant : State of Kerala represented by the
Sub Inspector of Police,
Alappuzha North Police Station.

(By Addl. Public Prosecutor - Sri. P.Praveen)

Accused : Jose @ Jomy, aged 44 years, S/o.Joseph, Palyathayyil
Veedu, Mangalam Ward, Thumpoly P.O, Alappuzha
Municipality.
(Adv. B.Sivadas)

Offences : U/Ss.324, 308, and 506(ii) of IPC.

Plea : Not guilty

Finding : Not guilty

Sentence/Order : Accused is found not guilty of offence
U/Ss.324, 308, and 506(ii) of IPC. Accused is
acquitted u/s.232 Cr.P.C.

Description of the Accused

Sl No.	Name	Father's Name	Reli- gion	Occu- pation	Residence	Age
1.	Jose @ Jomy	Joseph	Christian	-	Palyathayyil Veedu, Mangalam Ward, Thumpoly P.O, Alappuzha Municipality.	44

Date of								
Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence/Order	Explanation for delay
13.03.22	13.03.22	14.03.22	19.03.22	07.06.22	04.11.24	07.04.26	07.04.26	No delay

This case having been finally heard on 07.04.2026 and the Court on the same day delivered the following:

JUDGMENT

This case stands charge sheeted against the accused by the Sub Inspector, Alappuzha North PS in Crime No.267/2022 of Alappuzha North police station for the offence punishable u/Ss.324, 308, and 506(ii) of IPC.

2. **Gist of the averments in prosecution case is as follows:** - On 13.03.2022 at 2 pm, the accused due to his previous enmity towards CW1, with the intention to inflict hurt on CW1, in the beach, near Macs Million Colba Christian Church, Aryad South Village, the accused threatened to kill CW1 showing a machete and attempted to hack on the head of CW1. CW1 evaded the attack resulted injury on his back and little finger of left hand. It is alleged that if CW1 could not have evaded the attack it would have resulted in his death. Thus the accused has committed the above offences.

3. Based on the First Information Statement of CW1, a case was registered against the accused by the Alappuzha North police station and investigation stands completed to file a final report before the Learned Judicial First-Class Magistrate-I, Alappuzha. On receiving the final report, the Learned Magistrate took cognizance against the accused for the offence punishable u/Ss. 324, 308, and 506(ii) of IPC.

4. On issuance of summons, the accused appeared before the Judicial First-

Class Magistrate's Court-I, Alappuzha. All the copies of prosecution records were furnished to him u/s 207 of Cr.P.C and the case stands committed to Hon'ble Sessions Court, Alappuzha u/s 209 of Cr.P.C, vide order dated 07.06.2022 in CP 31/2022. The Hon'ble Sessions Court, Alappuzha made over the case for trial to this court.

5. When the case is made over to this court, summons was issued and the accused appeared before the court. On hearing both sides and after perusal of the prosecution records, a charge was framed against the accused u/Ss. 324, 308, and 506(ii) of IPC and that charge was read over and explained to him to which he pleaded not guilty.

6. On the prosecution side, *PWs 1 to PW6 were examined and Ext.P1 is marked*. CW7 to CW11 were given up. Since there is no incriminating circumstances against the accused, the questioning of accused u/s 313 (1)(b) Cr.P.C stands dispensed. Both sides are heard u/s.232 Cr.P.C.

7. Heard both sides u/s 232 Cr.P.C. Perused the records.

8. Points that arises for consideration are the following:-

1. Has the prosecution proved that the accused had committed the offences punishable u/Ss. 324, 308, and 506(ii) of IPC as alleged ?

2. Sentence or Order ?

9. **Point No.1 :-** The learned Additional Public Prosecutor urged to take the matter as heard.

10. The learned counsel for accused urged that there is no incriminating evidence against the accused to connect the accused with the alleged offences. So, the accused may be acquitted of the charge leveled against him in this case.

11. PW1 is the injured in the case. He testified that he gave statement to police and admitted that he affixed his signature in Ext.P1. He sustained injury, but he did not know who caused him hurt. He deposed that the entire matter is settled between the parties and that he has no complaints against the accused.

12. PW2 to PW6 are the occurrence witnesses examined by the prosecution. They deposed that they have not witnessed any incident as alleged. They further deposed that the entire matter is settled between the parties. PW1 to PW6 denied the prosecution case.

13. It has come out in evidence that the entire matter has been settled between the parties. Since the injured as well as the occurrence witnesses denied the prosecution case, the learned Public Prosecutor gave up the examination of the remaining witnesses and evidence was closed. Now, there is absolutely no evidence to prove that the accused has committed the offences alleged against him. I have considered submissions and perused the entire evidence on record. From the available evidence tendered by PW1 to PW6, it is revealed that the occurrence witnesses and injured denied the prosecution case and on putting questions in cross examination, nothing material was brought out to improve the prosecution case. On an evaluation of the available evidence on record, it is clear that there is no incriminating evidence to connect the accused with the alleged offence and the accused deserves benefit of doubt. Point is answered against the prosecution and decided accordingly.

14. **Point No.2:-** In the light of the finding on the above point, the accused is found not guilty of the offences alleged against him.

In the result, the accused is found not guilty of any the offences alleged against him and he is acquitted u/s.232 Cr.P.C. for offences punishable u/Ss. 324, 308, and 506(ii) of IPC and he is set at liberty. Bail bond executed by accused would survive for a further period of six months, as envisaged u/s. 437-A of the Code of Criminal Procedure. Item No.I in TR.78/2025 shall be confiscated after the appeal period.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 07th day of April, 2026.

Sd/-

Rekha Laurian,

ASSISTANT SESSIONS JUDGE.

APPENDIX

Witnesses for prosecution

PW1 - Grigory Thomas, dated 17.02.2026.
 PW2 - Anil, dated 17.02.2026.
 PW3 - Thomas @ Prince, dated 17.02.2026.
 PW4 - Ajesh, dated 17.02.2026.
 PW5 - Praphul, dated 12.03.2026
 PW6 - Sunilkumar @ Suni, dated 12.03.2026.

Exhibits for prosecution

P1 - FIS, dated 13.03.2022.

Witness for defence :-Nil

Exhibits for defence :-Nil

Material Objects :-Nil

Id/-

ASSISTANT SESSIONS JUDGE

// True Copy//

ASSISTANT SESSIONS JUDGE

Fair Copy of Judgment in

SC.No.655/2022

Dated:07/04/2026