

## IN THE SESSIONS DIVISION, ALAPPUZHA

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

Thursday the 26<sup>th</sup> day of March, 2026/05<sup>th</sup> day of Chaithram, 1948.

**S.C. No.802/2021**

(filed on 20.11.2021)

(C.P. No.81/2020 of the Judicial First Class Magistrate Court-I, Alappuzha)  
(Cr. No.777/2020 of Police Station, Alappuzha South)

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

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

Accused :A1. Udeesh, aged 38 years, Udayan, Kuzhiyil Chirayil  
Veedu, Sanathanapuram P.O, Kaithavana Ward,  
Alappuzha Municipality.  
(Adv. D.Jayesh)

Offences : U/Ss.341, 323, 324, 294(b), 506(ii), 308, 201 r/w  
34 IPC.

Plea : Not guilty

Finding : The accused No.1 is found guilty of the  
offences punishable u/Ss.341, 323, 324, 506(ii),

308 r/w 34 IPC and not guilty of the offence  
u/s.294(b), 201 r/w 34 IPC.

Sentence/Order

- :1. The accused No.1 is sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.30,000/- and in default, to undergo rigorous imprisonment for 6 months u/s.308 r/w 34 of Indian Penal Code.
2. The accused No.1 is sentenced to undergo rigorous imprisonment for 1 month u/s.341 r/w 34 of Indian Penal Code.
3. The accused No.1 is sentenced to undergo rigorous imprisonment for 1 year u/s.323 r/w 34 of Indian Penal Code.
4. The accused No.1 is sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 2 months u/s.324 r/w 34 of Indian Penal Code.
5. The accused is sentenced to undergo rigorous imprisonment for 2 year and to pay fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 2 months u/s.506(ii) r/w 34 of Indian Penal Code.
6. The fine amount, if realised, shall be given to PW1 as compensation u/s.357(1)(b) of the Code of Criminal Procedure. Sentences shall run

concurrently. Period undergone in remand is allowed as set off.

**Description of the Accused**

Sl No.	Name	Father's Name	Religion	Occupation	Residence	Age
1.	Udeesh	Udayan	Hindu	-	Kuzhiyil Chirayil Veedu, Sanathanapuram P.O, Kaithavana Ward, Alappuzha Municipality.	38

<b>Date of</b>								
Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence/Order	Explanation for delay
27.07.20	27.07.20	23.09.20	29.09.20	28.10.21	16.08.24	18.03.26	26.03.26	No delay

This case having been finally heard on 18.03.2026 and the Court on 26.03.2026 delivered the following:

**JUDGMENT**

This is a case taken on file based on a final report filed by the Sub Inspector, Alappuzha South P.S. in Crime No.777/2020 of Alappuzha South police station for the offence punishable u/Ss. 341, 323, 324, 294(b), 506(ii), 308, 201 r/w 34 Indian Penal Code.

2. **Gist of the averments in prosecution case is as follows:** - On 27.07.2020 at 8.30 pm, the accused due to the previous enmity regarding a quarrel

that took place while they were remand prisoners at District jail, Alappuzha, in furtherance of their intention came with a machete in a scooter from east to west through Alappuzha - Changanassery road and reached 200 metres towards east of Kaithavana junction by the side of the road leading to Kurukkanparampu. They obstructed the motor cycle driven by CW2 where CW1 was a pillion rider. The accused wrongfully restrained and second accused slapped CW1 on the left side of the cheek and shouted obscene words. The first accused threatened him and caused hurt using the machete on the left side of the neck, left palm, above the left elbow. When CW2 tried to intervene, accused brandished machete and caused fear of death. If CW1 could not have obstructed the attack it would have caused his death. Thus the accused is alleged to have committed the above offences

3. Based on the First Information Statement of CW1, a case was registered against the accused by Alappuzha South police station and investigation stands completed to file a final report before the Learned Judicial First-Class Magistrate, Ambalappuzha. On receiving the final report, the Learned Magistrate took cognizance against the accused for the offence punishable u/Ss.341, 323, 324, 294(b), 506(ii), 308, 201 r/w 34 IPC.

4. On issuance of summons, the 1<sup>st</sup> accused appeared before the Judicial First-Class Magistrate's Court-I, Alappuzha. All the copies of prosecution records

were furnished to them 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 28.10.2021 in CP.81/2020. The Hon'ble Sessions Court, Alappuzha made over the case for trial to this court. The 2<sup>nd</sup> accused could not be identified in this case.

5. When the case is made over to this court, summons was issued and the 1<sup>st</sup> accused appeared before the court. On hearing both sides and after perusal of the prosecution records, a charge was framed against 1<sup>st</sup> accused u/Ss.341, 323, 324, 294(b), 506(ii), 308, 201 r/w 34 IPC. Charge was read over and explained to them to which he pleaded not guilty.

6. From the side of the prosecution, *PWs 1 to PW9 were examined and Exts.P1 to P18 were marked.* CW3 and CW7 were given up. **The material object in this case was marked as MO1.** On completion of prosecution evidence, the 1<sup>st</sup> accused was questioned u/s 313(1)(b) Cr.P.C and he denied all the incriminating circumstances against him. Since then, the counsel appearing for both sides addressed their arguments u/s 232 Cr.P.C and the case proceeded to the next stage. The 1<sup>st</sup> accused was called upon to tender defence evidence. The contradiction in previous statement of PW1 was marked as Exts.D1 and D2.

7. Heard both sides.
8. Points that arise for consideration are the following:-
  1. Has the accused in furtherance of their common intention, on 27.07.2020 at 8.30 pm, on the road, near the house of one John named Anjil veedu in Kaithavana Ward of Alappuzha Municipality hack on the head and neck of PW1 using machete caused injury on his hand, left side of head, below the neck and left palm knee and thereby attempted to commit culpable homicide not amounting to murder of PW1 and thereby committed offence punishable u/s.308 r/w 34 of IPC as alleged?
  2. Has the accused in furtherance of their common intention, had wrongfully restrained PW1 and PW7 and thereby committed offence punishable u/s.341 r/w 34 of IPC as alleged?
  3. Has the accused in furtherance of their common intention had voluntarily caused hurt to PW1 and thereby committed an offence punishable u/s.323 r/w 34 of IPC as alleged ?
  4. Has the accused in furtherance of their common intention had voluntarily caused hurt to PW1 by using machete and thereby committed an offence punishable u/s.324 r/w 34 of IPC as alleged ?

5. Has the accused in furtherance of their common intention had criminally intimidated PW1 and PW7 by threatening to kill them causing fear of death to them and thereby committed an offence punishable u/s.506(ii) r/w 34 of IPC as alleged ?
6. Has the accused in furtherance of their common intention had caused to disappear the vehicles used to cause attempt of culpable homicide not amounting to murder and thereby committed an offence punishable u/s.201 r/w 34 of IPC as alleged ?
7. Has the accused in furtherance of common intention, abused PW1 using obscene words and thereby committed offence punishable u/s.294(b) r/w 34 of IPC as alleged?
8. Is the 1<sup>st</sup> accused is liable to be convicted or acquitted ?
9. In case of conviction, what shall be the proper sentence ?

9. **Point Nos.1 to 5 :-** Points are considered and discussed together for the sake of convenience and also for avoiding repetition in discussion of evidence.

10. PW1 is the victim. He testified before the court that on 27.07.2020 at about 8 - 8.30 pm he along with his friend Lejin was returning home in their bike after purchasing fuel for their bike. While they reached near Kurukkanparampu area, Udeesh and another person wrongfully restrained him and slapped on his

cheek. Udeesh used machete as dangerous weapon and caused hurt on the left side of the head, left hand, below the elbow and left shoulder and also above the left knee. The machete was identified as MO1. His friend was driving the motor bike and he was the pillion rider. He further stated that he is having prior acquaintance with Udeesh. But he does not have acquaintance with the other person. He can identify the other person. He cried aloud. At that time his neighbour Kapil came through the road in an Autorichshaw and took him to General Hospital and later to Medical College Hospital. Since it was Corona time he was not admitted. On the next day he was directed to again consult with the doctor. He further stated that there was sufficient light at the place of occurrence. The FIS was marked as Ext. P1. According to the witness, 4 months prior to this incident an incident took place at the District Jail, Alappuzha between himself and Udeesh. It is due to that enmity the present attack was done towards him. Even though he tried to obstruct with his hand, the accused chopped on his head as well as on his hand. During cross examination, he admitted that he was accused in a case where he trespassed into the house of the accused and caused hurt to mother and wife of the accused. But they gave testimony before the court supporting him. He further admitted that he had been accused in 12 cases and presently he is accused in 4 cases. He is a native of Kaithavana area. He explained that there is a petrol pump to western side of Onnampalam, further 1 km from the pump is Kurukkanparampu area. The portion in Ext. P1 stating that he was attacked in front of the petrol pump at Kaithavana

was confronted with the witness. He answered that he was attacked at Kurukkanparampu. The contradiction was marked as Ext. D1. According to the witness, the accused chased them in a scooter and attacked him. The portion stating that he and his friend was restrained in front of petrol pump was confronted with the witness. He denied. The contradiction was marked as Ext. D2. It was suggested by the learned defence counsel that a quarrel occurred between his friend and 6 other persons and he sustained injury and he had falsely implicated the present accused. He denied.

11. PW2 is an ocular witness. He testified that on 27.07.2020 at 8.30 pm, while he was returning after purchasing fuel for his motor bike he saw Manu Sanker (PW1) and another person going in a motor bike and Udeesh and another person chasing them in a gear-less scooter shouting obscene words. They entered the road from Kurukkanparampu bridge, Manu Sanker stopped the vehicle seeing someone. Udeesh who chased him stopped the vehicle. He took a machete from the foot rest portion. The person who was with Udeesh slapped PW1. Udeesh came with a machete and attacked Manu Sanker caused cut wound on the left side of the neck and left hand and he fell down. He again attacked with the machete. When the person who was with Manu Sanker tried to intervene, Udeesh attacked him. If Manu Sanker would not have resisted the attack, it would have caused his

death. He identified MO1. He further stated that they took Manu Sanker to Hospital in an Autorichshaw. He stated that Udeesh was trying to kill Manu Sanker. He was trying to cut the neck of Manu Sanker. Since there were street light and vehicle were having light, he could see the entire incident. During cross examination, the learned defence counsel pointed out whether he has given statement that Udeesh was pillion rider when they came to the place of incident and was driving the vehicle while returning and also whether he stated that he saw the incident after purchasing fuel. He answered in affirmative. The learned defence counsel pointed out it as an omission as it is not seen in the statement. He affirmed that Udeesh has caused hurt to Manu Sanker using machete. The accompanying person did not use weapon. He further stated that the incident took place 20 feet away from AC road. Kurukkanparampu is 100 metres away from AC road. He was standing about 20 feet away at the time of occurrence. He stated that he went to petrol pump for purchasing fuel for going for purchase of wedding dress of cousin. So he did not accompany Manu Sanker to the hospital .

12. PW3 is the attester of recovery mahazar. He identified his signature in the recovery mahazar. He admitted that he is acquainted with Udeesh. But he denied that Udeesh was present when he signed the mahazar.

13. PW4 is the Doctor who examined PW1. On 27.07.2020 while he was

working as Casualty Medical Officer at General Hospital, Alappuzha at 9.30 pm, he examined PW1, Manu, aged 27 years who was brought by Cousin brother Kapil with history of alleged assault by six known person at Onnampalam at 8.30 pm, with വെട്ടുകത്തി. On examination he was conscious oriented. His injuries included (1) Incised looking lacerated wound 4 x 5 cm over left side of neck (2) Incised looking lacerated wound of 5 x 2 cm on left parietal region (3) Incised looking lacerated wound of 10 x 5 cm on left side of neck (4) Incised looking lacerated wound 4 x 1 cm on left hand (5) swelling present over left jaw. (6) Incised looking lacerated wound of left thigh 5 x 5 cm". He was advised CT scan and detailed evaluation. Hence referred to Medical College Hospital, Vandanam .Opinion was could be as alleged. Injuries appear to be fresh. He issued Ext.P2 accident register cum wound certificate which bears his signature and seal. It was suggested whether injuries 1 to 6 except 5 can be caused by MO1. He answered that it can be caused by MO I. It was further suggested that injury stated as No.5 can be caused if somebody slaps, he answered may be. During cross examination it was suggested that lacerated wound can be caused by blunt object. He answered that incised wound usually is caused by sharp weapon. It was further suggested that incised looking lacerated wound can be caused by sword stick. He answered that any sharp weapon can cause.

14. PW5 was the attester of scene mahazar. He testified that he signed

Ext.P3 scene mahazar at Kurukkanparampu. While he signed the mahazar, Tom Raphel was present. It was signed at Kurukkanparampu area. During cross examination, he stated that the place where he signed the mahazar was the road leading to northern side of Kaithavana petrol pump. That roads leads to Kurukkanparampu area. At that time Tom and two other persons were present. He knows Tom Raphel. But he does not know Kapil.

15. PW6 was the special village officer of Pazhaveedu from 2016 -2021. He prepared scene plan. It was marked as Ext.P4. He stated that the scene of occurrence is shown in red dotted line and scene of occurrence as per plan is towards western side of petrol pump which is to the eastern side of Kaithavana junction leading to north at Kurukkanparampu area. During cross examination, he stated that place of occurrence is towards northern side from AC road. He affirmed that he went to the place of incident and prepared the scene plan.

16. PW7 was the rider of the motor bike in which Manu Sanker was the pillion rider. He stated that on 27.07.2020 at about 8.30 – 9 pm, he along with Manu Sanker were coming in a bike from the petrol pump. They met Udeesh at the petrol pump. There was verbal friction between them. Later when they were returning towards Kurukkanparampu area Udeesh and another person chased them in a motor bike. He saw the rider of the bike. When he kept the bike by the road

side there occurred some scuffle. When he went near Manu Sanker, he was having bleeding throughout the body. Udeesh left the place. Manu Sanker was having injury in his shoulder and hand. Since he denied that he had seen Udeesh causing hurt to Manu Sankar using machete the learned Public Prosecutor sought permission to cross examine him. Witness stated he had got knowledge that Manu Sanker and Udeesh were in enmity. He further stated that the accused is his friend. He is having more friendship with accused. He admitted that Udeesh and another person chased their vehicle. The portion of 161 statement stating that he saw Udeesh threatening and attacking PW1 with machete was confronted with him. He denied. It was marked as Ext. P5. His statement that he along with Manu Sanker fell on the road and Udeesh caused cut injury on the head and left thigh of PW1 and PW1 cried aloud was confronted with the witness. He denied. It was marked as Ext. P6. The statement that the pillion rider of the vehicle and Udeesh slapped on the cheek of PW1 was confronted with the witness. He denied. It was marked as Ext. P7. The portion of 161 statement stating that he know the scooter and machete was confronted with the witness. He denied. It was marked as Ext P8. The portion of the statement stating that he saw the incident in the light of his vehicle was confronted with the witness. He denied. It was marked as Ext. P9.

17. PW8 was the Sub Inspector of Alappuzha South Police Station who recorded the FIS. He identified Ext.P1. He prepared body note. It is noted that on

the left side of the head there was suturing and bandage, on the right side of the cheek there was contusion and below the neck and shoulder, there was bandage. There was plaster on the left hand and above the left knee. The body note was marked as Ext.P1(a). Crime No.777/2020 u/Ss341, 323, 324, 294(b), 308, 506(ii) and 34 of IPC was registered and FIR was marked as Ext.P11. The report correcting time on receipt of information was marked as Ext.P12. During cross examination, he stated that he understood that Manu Sanker was accused in several crime. As answer to the question he stated that the incident took place at Kurukkanparampu road. He further explained as answer to the question that Kurukkanparampu is almost 1km west from patrol pump. Ext.D1 and D2 were proved through the witness.

18. PW9 was the Sub Inspector of Police, Alappuzha South Police station. He started the investigation of the case on 29.07.2020. He recorded the statement of witnesses. He inspected the place of occurrence and prepared Ext.P3 scene mahazar. As per Ext.P3 the place of occurrence is the road leading to Kurukkanparampu area which starts from eastern side of Kaithavana from Alappuzha – Changanassery road. He further stated that it is a flat road having street light and light in the neighbouring houses. Towards the southern side of place of occurrence is AC road and towards northern side is Paki junction-Kurukkanparampu road and north and west is AC road and Puramboke land.

Towards the east within 15 metres is a petrol pump. The address report of the 1<sup>st</sup> accused was marked as Ext.P13. The first accused surrendered before the court. He was taken into police custody. As per the statement of accused the machete was recovered from his house. The recovery mahazar was marked as Ext.P14 and the portion of his statement which led to the recovery was marked as Ext.P14(a). He identified the MO1. The relevant portion of the confession statement was marked as Ext.P15. The property list was marked as Ext.P16. Since the details of the 2<sup>nd</sup> accused and the details of the vehicle in which they travelled was purposefully suppressed S.201 of IPC was added. The report was marked as Ext.P17. Ext.P5 to P10 was proved through the witness. Since the 2<sup>nd</sup> accused could not be identified during the investigation the final report was filed against the 1<sup>st</sup> accused. During cross examination, he stated that scene mahazar and statement of witnesses were recorded prior to the remand application. According to the witness, the place of incident is the western side of the petrol pump of AC road from which road leading to Kurukkanparampu starts. According to the witness, when he started investigation, he was not having information that PW1 Manu Sanker was the accused in several cases. The report submitted while the accused was produced after custody was marked as Ext.P18. As per Ext.P18, the road starting from AC road towards Kurukkanparampu is the place of incident.

19. Heard both sides. The learned Additional Public Prosecutor argued

that the victim had given his oral testimony in consonance with the prosecution case. He identified the accused and also the weapon. His testimony is corroborated by Ext.P2. The ocular witness also corroborated the evidence of PW1. The elements of offences as alleged is proved. Hence the accused may be convicted and imposed maximum sentence. The learned defence counsel argued that there is no consistent version regarding the place of incident. There is sufficient contradiction to disbelieve the witnesses. PW2 Tom Raphel is an accused in several cases. Hence his version cannot be believed. For these reasons the accused may be acquitted.

20. I perused the oral and documentary evidence before the court. As per the prosecution case, on 27.07.2020 at 8.30 pm, the complainant while going towards Kurukkanparampu area in a motor bike as pillion rider and PW7 being the rider the accused chased in a scooter, wrongfully restrained him caused hurt using MO1 machete and attempted to commit culpable homicide and threatened using MO1. From the testimony of PW1, PW2 and the scene plan, it could be seen that the place of incident is a road towards north starting from Alappuzha – Changanassery road leading to Kurukkanparampu area. PW1 was caused several cut wounds in his neck, hand, leg and other vital parts. Since he obstructed with his hand, it did not cause harm to his life or else it would have caused his death. In Abdul Ansar v. State of Kerala 2022 (4) KHC 390 our Hon'ble High Court held "If act was done with the knowledge which is of such a degree that the likely

consequence of the act would be death or causing such bodily injury as is likely to cause death of a person, that will constitute an offence of culpable homicide not amounting to murder. Attempt to commit such an act is what is punishable u/s.308 of IPC". Further in Sunilkumar v. N.C.T of Delhi and others 1998 KHC 1363 our Hon'ble Supreme Court held that "Attempt to commit culpable homicide not amounting to murder. An attempt of that nature may actually result in hurt or may not. An offence punishable u/s.308 IPC postulates doing of an act with such intention or knowledge and under such circumstances that if one by that act caused death, he would be guilty of culpable homicide not amounting to murder. An attempt of that nature may actually result in hurt or may not". The accused at the first instance tried to hit on the head of PW1 which was evaded by PW1 with his hand and thus sustained hurt. So his intention to cause harm to the life of PW1 is proved. In Abdul Ansar v. State of Kerala 2022 (4) KHC 390 our Hon'ble High Court held "If act was done with the knowledge which is of such a degree that the likely consequence of the act would be death or causing such bodily injury as is likely to cause death of a person, that will constitute an offence of culpable homicide not amounting to murder. Attempt to commit such an act is what is punishable u/s.308 of IPC". Hence it is evident that the gravity of injury caused is not the fact that is to be looked into while considering an offence u/s.308 of IPC. From his testimony and from the testimony of PW2 and PW7, it is made out that he was wrongfully restrained. From the testimony of PW1 and PW2, it is made out

that PW1 was caused hurt using MO1 as stated in FIS and the prosecution case. Even though, PW7 denied that he saw the incident it is pertinent to note that he is admittedly a close friend of accused. Further he stated that they were chased by the accused and some other person. When he parked the two wheeler and turned around, he saw PW1 having blood all over his body. From the oral evidence, it is made out that PW1 was taken to General hospital and later to Medical college hospital, Vandanam. All the injuries as stated by the victim is recorded in Ext. P2 . It corroborates oral testimony. He is seen referred to a higher center for treatment due to gravity of injury. The minor variation in the place of occurrence will not alleviate the gravity of injuries caused. In *Koyyodan Bhaskaran v. State of Kerala* 2025 KHC 1057 our Hon'ble High Court held that “ Penal Code, - S.143, S.147, S.323, S.506(1) -Whether minor variations in testimony amount to material contradictions sufficient to discredit prosecution case and warrant acquittal – Held, minor variations in description of place of occurrence do not constitute serious anomaly when witnesses consistently place incident in same general area and core prosecution version remains intact – Such variations do not create reasonable doubt when prosecution case is otherwise established through consistent testimonies of eyewitnesses supported by medical evidence – Criminal Trial”.

21. Another question of doubt raised by the witness is that there was no proper light in the area. But here it is important to note that they were previously

acquainted and were having previous enmity also. The presence of street light is stated as well. In *State of Kerala v. Anil Kumar @ Kolusu Binu* 2025 KHC 1077 our Hon'ble High Court held that "Evidence Act, 1872 – S.9 – Whether identification of an accused by a witness in the dock, without a prior test identification parade, can be relied upon to establish the presence of the accused at the crime scene – Held, there is no inflexible rule that identification made by a witness must invariably be corroborated by test identification parade – If accused is already acquainted with the witness, identification for the first time in the dock would be sufficient – If witness had sufficient opportunity to see the accused at the time of incident under adequate light and Court is satisfied about the credibility of such identification, the absence of test identification parade would not by itself render the evidence unreliable". There is no question of dispute in identity. It was affirmed by the testimony of PW1 that he was threatened using the machete and he was caused wound all over the body. Even though, PW7 denied a portion of prosecution case, he testified the presence of accused and another person and that they were chased by accused and that there occurred a quarrel. Further from the testimony of PW1 and PW2 it is made out that the accused rushed with the weapon threatening the victim to cause fear of death. As continuation of the said act he caused injury to the victim. So more than mere threat he had an intention to cause alarm to the victim. He caused injury to the victim. Hence essential elements of Sec. 506(ii) IPC is proved by the prosecution. Hence elements of

S.341 and 506(ii) of IPC is also made out. The points No.1 to 5 are found in favour of the prosecution.

22. **Point No.6:-** As per the prosecution case, after committing an offence the accused escaped in a scooter. As per Sec.201 it must be proved that the accused caused any evidence of the commission of the offence to disappear. Here the scooter is not recovered by the investigating officer. There is no case that the accused has willfully made the scooter to disappear. So there is no willful act to cause disappearance of the scooter. The essential ingredient of Sec.201 IPC is not proved by the prosecution. Hence this point is found against the prosecution.

23. **Point No.7 :-** Prosecution has filed final report also alleging S.294(b) of IPC. In order to attract S.294(b) IPC it should be proved that obscene words were used in public place so as to cause annoyance to those who hear it. It is not made out that obscene words were used, so as to cause annoyance to anyone who hear it. So prosecution failed to prove that the offence alleged u/s.294(b) has been committed by the accused. This point is found against the prosecution.

24. **Point No.8:-** In view of the findings above, the 1<sup>st</sup> accused is not found guilty of the offence punishable u/s.294(b) and 201 of r/w 34 of the Indian Penal Code and is acquitted of the offence. The 1<sup>st</sup> accused is found guilty of

offences punishable u/Ss. 341, 323, 324, 506(ii), 308 r/w 34 of the Indian Penal Code and is convicted thereunder. Point is answered accordingly.

25. In the result, the 1<sup>st</sup> accused is not found guilty of the offence punishable u/s.294(b), 201 of r/w 34 of the Indian Penal Code and is acquitted of the offence. The 1<sup>st</sup> accused is found guilty of offences punishable u/Ss. 341, 323, 324, 506(ii), 308 r/w 34 of the Indian Penal Code and is convicted thereunder.

26. Considering the facts and circumstances and the nature of injuries, this is not a fit case for invoking the benevolent provisions of the Probation of Offenders Act. Hence the first accused will be heard on the question of sentence.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 26<sup>th</sup> day of March, 2026.

Sd/-

Rekha Laurian  
ASSISTANT SESSIONS JUDGE.

**Point No.9:-**

27. Heard the first accused on question of sentence. He submitted that he has not committed any offence. He is in enmity with PW1 for past so many years.

28. The learned Public Prosecutor requested for maximum punishment.

29. Considering the facts and circumstances, the nature of offence, the injuries sustained and the submissions of both sides, I am of the opinion that rigorous imprisonment for a period of 7 years and a fine of Rs.30,000/- in default, to undergo rigorous imprisonment for 6 months u/s.308 of Indian Penal Code, rigorous imprisonment for a period of 1 month u/s.341 of Indian Penal Code, rigorous imprisonment for a period of 1 year u/s.323 of Indian Penal Code, rigorous imprisonment for a period of 3 years and a fine of Rs.10,000/- in default, to undergo rigorous imprisonment for 2 months u/s.324 of Indian Penal Code, rigorous imprisonment for a period of 2 years and a fine of Rs.10,000/- in default, to undergo rigorous imprisonment for 2 months u/s.506(ii) of Indian Penal Code against the 1<sup>st</sup> accused will be sufficient to meet the ends of justice in this case. Point is answered accordingly.

**30. In the result,**

1. The accused No.1 is sentenced to undergo rigorous imprisonment for 7 years and to pay fine of Rs.30,000/- and in default, to undergo rigorous imprisonment for 6 months u/s.308 r/w 34 of Indian Penal Code.

2. The accused No.1 is sentenced to undergo rigorous imprisonment for 1 month u/s.341 r/w 34 of Indian Penal Code.
3. The accused No.1 is sentenced to undergo rigorous imprisonment for 1 year u/s.323 r/w 34 of Indian Penal Code.
4. The accused No.1 is sentenced to undergo rigorous imprisonment for 3 years and to pay fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 2 months u/s.324 r/w 34 of Indian Penal Code.
5. The accused is sentenced to undergo rigorous imprisonment for 2 year and to pay fine of Rs.10,000/- and in default, to undergo rigorous imprisonment for 2 months u/s.506(ii) r/w 34 of Indian Penal Code.
6. The fine amount, if realised, shall be given to PW1 as compensation u/s.357(1)(b) of the Code of Criminal Procedure. Sentences shall run concurrently. Period undergone in remand is allowed as set off.

**The 2<sup>nd</sup> accused is not identified in this case.**

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court on this the 26<sup>th</sup> day of March, 2026.

Sd/-

Rekha Laurian

ASSISTANT SESSIONS JUDGE.

**APPENDIX****Witnesses for prosecution**

- PW1 - Manu Sankar, dated 10.09.2025.  
 PW2 - Tom Raphel, dated 23.09.2025.  
 PW3 - Satheesh, dated 23.09.2025.  
 PW4 - Dr.Salini M Nair, dated 06.10.2025, CMO at General Hospital, Alappuzha.  
 PW5 - Abhinand, dated 06.10.2025.  
 PW6 - Sajeer.B, dated 06.09.2025, Special Village Officer, Pazhaveedu.  
 PW7 - Legin, dated 17.10.2025.  
 PW8 - Tolson P. Joseph, dated 31.10.2025, Sub Inspector, Alappuzha South Police Station.  
 PW9 - Prathapan.S, dated 02.12.2025, Sub Inspector, Alappuzha South Police Station.

**Exhibits for prosecution**

- P1 - FIS, dated 28.07.2020.  
 P1(a) - Body note, dated 28.07.2020.  
 P2 - Wound certificate, dated 27.07.2020.  
 P3 - Scene mahazar, dated 29.07.2020.  
 P4 - Scene plan  
 P5 - Relevant portion of 161 statement of PW7, dated 29.07.2020.  
 P6 - Relevant portion of 161 statement of PW7, dated 29.07.2020.  
 P7 - Relevant portion of 161 statement of PW7, dated 29.07.2020.  
 P8 - Relevant portion of 161 statement of PW7, dated 29.07.2020.  
 P9 - Relevant portion of 161 statement of PW7, dated 29.07.2020.  
 P10 - Relevant portion of 161 statement of PW7, dated 29.09.2020.  
 P11 - FIR, dated 28.07.2020.  
 P12 - Correction report, dated 28.07.2020.  
 P13 - Address report  
 P14 - Recover mahazar, dated 29.09.2020.  
 P14(a) - Relevant portion of recovery mahazar, dated 29.09.2020.  
 P15 - Abstract of confession statement, dated 29.07.2020.  
 P16 - Property list, dated 29.09.2020.  
 P17 - Section added report, dated 30.09.2020.  
 P18 - Remand application, dated 30.09.2020.

**Witnesses for defence**

Nil

**Exhibits for defence**

D1 - Relevant portion of FIS, dated 28.07.2020.

D2 - Relevant portion of FIS, dated 28.07.2020.

**Material Objects**

MO1 - Machete

Id/-

ASSISTANT SESSIONS JUDGE