

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, ALAPPUZHA.

Present:- **Smt. Shana Beegam, Judicial First Class Magistrate.**

Dated this, the 11<sup>th</sup> day of March, 2026

**CC No. 129/20**

Petitioner	:	State-represented by Sub Inspector, Alappuzha North Police Station in crime No. 236/14 [By Asst. Public Prosecutor, Alappuzha]
Accused	1.	Smithildas, 24 years, S/o Sivadas, Smithil Nivas, Aryadu Panchayath ward no. XIII
	2.	Renjith, 22 years, S/o Remanan, Tharayilveli house, Kalathu ward, Alappuzha (By Adv. P.P.Geetha, Adv.Arunkumar(A1))
Offence	:	U/s. 294(b), 323, 324, 427 r/w 34 IPC
Plea	:	Not guilty.
Finding	:	Not guilty
Sentence	:	Accused are acquitted u/s 248(1) Cr.PC

**DESCRIPTION OF THE ACCUSED**

Sl. No	Name	Father's name	Calling	Residence	Taluk	Age
1.	Smithildas	Sivadas		Smithil Nivas, Aryadu Panchayath ward no. XIII		24
2	Renjith	Remanan		Tharayilveli house, Kalathu ward, Alappuzha		22

DATE OF							
Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order	Explanation for delay
21.02.14	31.10.14	27.09.24	17.10.24	19.04.24	05.03.26	11.03.26	

This case having been finally heard on 05.03.2026 and on 11.03.2026 the court delivered the following:-

## J U D G M E N T

This case is initiated against the accused on the basis of a final report filed by the Sub Inspector of Police, Alappuzha North Police Station in crime No. 236/14 alleging commission of offences u/s.294(b), 323, 324, 427 r/w 34 IPC.

2. The prosecution case is that the accused, out of their enmity towards CW1 Shaji that he sold orange in cheap rate than that of accused who were engaged in similar business and with their common intention to cause hurt to him, on 21.02.2014 at 7.00 pm, while CW1 was selling orange in a goods Autorickshaw at the side of Alappuzha-Cherthala National Highway near Thumpoly, 1<sup>st</sup> accused shouted abusive words at CW1, wrongfully restrained him by catching hold of his neck and slapped on his left cheek. The 2<sup>nd</sup> and 3<sup>rd</sup> accused fisted on his neck and when CW1 fell on the road, 4<sup>th</sup> accused stamped on his face with leg causing contusion and tenderness on his left eye. On seeing the incident, While CW2 intervened, accused Nos1 and 3 fisted and stamped him causing pain and contusion on his abdomen and left knee. During the scuffle, CW1 lost Rs.7000/- kept with him. Thus the accused are alleged to have committed the above said offences.

3. On completion of investigation, the charge sheet was filed before this court and it was taken on file of this court as CC 2290/14. On 28.01.2020 accused A1 and A3 were acquitted u/s 248(1) Cr.PC and Case against the accused Nos. 2 and 4 Split up and refiled as CC129/20. Thereafter, non-bailable warrant were issued against the A2 and A4. On 13.10.2023 A2 appeared before Court and on 11.04.23 A4 was arrested and produced before the Court. They were released on bail. Copies of relevant prosecution records were furnished to them. After hearing, charge for the offences u/s. 294(b), 323, 324, 427 r/w 34 IPC. framed, read over and explained to the accused to which they pleaded not guilty.

4. In order to prove their case, the prosecution cited CWs 1 to CW8 and CW's 1,2,3,4 were examined as PWs 1 to 4 and Ext. P1 was marked. As there was no incriminating evidences against the accused, examination of remaining witnesses was given up by the prosecution. Hence, the evidence was closed. As there was no incriminating evidence against the accused, examination u/s. 313 Cr.P.C. was dispensed with. No defence evidence was adduced. Heard both sides.

5. The points that arise for consideration are:-

1. Whether the accused, common intention, uttered obscene words towards CW1 at National Highway near Thumpoly on 21.02.2014 at 7.00 pm and Voluntarily caused hurt to CW1 and commit mischief to the tune of Rs.7000/- as alleged ?
2. Sentence or order, if any ?

**Point No. 1:-**

6. PW1 admitted the occurrence of the incident and lodging of Ext. P1 statement to police. He deposed that, some persons attacked him and he was injured. But he could not identify the accused person before the court. He further admitted that the case matters were settled between them. Thereby he turned hostile to the prosecution case.

7. PW3 was also injured in this incident. He also deposed that he could not identify the accused before the court and further admitted that the case matters were settled between them. Thereby he turned hostile to the prosecution case.

8. PW2 the occurrence witness of the incident, deposed that he had not seen the occurrence of the incident and that he had not given any statement to the police. PW 4, the occurrence witnesses of the incident. But he did not remember the accused and date of the incident and also could not identify the accused before the Court and that he denied statement given to the police.

8. On going through the case records, it is seen that there is nothing on record to show that the accused herein has committed any of the offences alleged against

them. PW1 and PW3, the injured and PWs 2 and 4, the occurrence witnesses to the incident turned hostile to the prosecution case. Hence, examination of remaining witnesses is an abuse of the process of law and hence, their examination was given up by the prosecution. In such circumstances, I am of the opinion that the prosecution has miserably failed to prove its case against the accused. Hence, the accused is entitled to an acquittal.

9. **Point.No.2:-** Point No. 1 is found against the prosecution. In the light of the findings on point No. 1, accused are found not guilty of the offences under sections 294(b), 323, 324, 427 r/w 34 IPC.

In the result, accused are acquitted of the charge under section 248(1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me on this the, 11<sup>th</sup> day of March, 2026.

sd/-

**Judicial First Class Magistrate-1,  
Alappuzha.**

## **APPENDIX**

### **Prosecution Witnesses :-**

PW1 : Shaji  
PW2 : Selvaraj  
PW3 : Refeek  
PW4 : Rasheed

### **Prosecution Exhibits:-**

P1 : First Information Statement dated 22.02.2014 marked through PW1 on 10.02.2026

sd/-

**Judicial First Class Magistrate-1,**

**//True copy//**

**Judicial First Class Magistrate-1,  
Alappuzha.**