

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

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

Dated this, the 17th day of March, 2026

CC No.1734/2019

Complainant : State-represented by Sub Inspector of Police, Alappuzha South Police Station in Crime No. 1304/2019.
[By Asst. Public Prosecutor, Alappuzha]

Accused : Ambross V Raphel, aged 52/2019, S/o. Raphel, Vadakkal House, Varappuzha P. O., Varappuzha Village, Paravoor Taluk, Ernakulam.
(By Adv. M.Thaha)

Offence : U/s. 323, 325 and 294(b) IPC

Plea : Not guilty.

Finding : Not guilty.

Sentence : Accused is acquitted u/s. 248 (1) Cr.PC.

DESCRIPTION OF THE ACCUSED

Sl. No	Name	Father's name	Calling	Residence	Taluk	Age
1.	Ambross V Raphel	Raphel	Ernakulam	...	52/ 2019

DATE OF							
Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order	Explanation for delay
30.08.19	22.11.19	15.4.24	15.4.24	15.4.24	17.03.26	17.03.26	No delay

This case having been finally heard on 17.03.2026 and on the same day 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 South Police Station in crime No.1304/2019 alleging commission of offences u/s.323, 325 and 294(b) IPC.

2. The prosecution case, in brief, is that the accused, out of previous enmity towards the CW1, with his intention to abuse and assault him, on 30/08/2019 at 8.00 p.m, shouted abusive words towards CW1 and slapped on his face. Accused also hit on his back and twisted his right hand, thereby caused pain and shakening of his teeth. Thus the accused is alleged to have committed the offences mentioned above.

3. On issuance of summons, accused appeared before the court and he was released on bail. After hearing, charge for the offences u/s. 323, 325 and 294(b) IPC read over and explained to the accused to which he pleaded not guilty.

4. On the side of the prosecution, CWs 1 to 7 were arrayed as witnesses and out of which PWs 1 and 2 were examined and no exhibits were marked. Even after the issuance of repeated coercive steps, the prosecution failed to produce CW1. Steps completed. As the injured was not examined and the witnesses examined turned hostile to the prosecution case, examination of remaining witnesses including official witnesses is only an abuse of the process of law and hence, the examination of remaining

witnesses was given up by the prosecution and the evidence was closed. Since there was no incriminating evidences against the accused, examination of the accused u/s. 313 Cr.P.C. was dispensed with. No defence evidence was adduced. Heard both sides.

5. Points that arise for consideration are:-

1. Whether the accused uttered obscene words towards CW1, voluntarily caused hurt to him causing injuries including shaking of his teeth on 30/08/2019 at 8.00 p.m, as alleged ?

2. Finding and order ?

Point No. 1

6. Even after the issuance of repeated coercive steps, the prosecution failed to produce CW1, the injured. Steps completed. PWs 1 and 2, the witnesses examined turned hostile to the prosecution case.

7. 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 him. CW1, the injured was not examined. The material witnesses examined turned hostile to the prosecution case. As the material witnesses turned hostile to the prosecution case, examination of remaining witnesses including the official witnesses is only an abuse of the process of law and hence, the learned A.P.P. gave up the examination of remaining witnesses.

8. From the evidence adduced by the prosecution, there is no material before the court to incriminate the accused in this case. In such circumstances, I am of the opinion that the prosecution has failed to prove its case against the accused and the accused is entitled to an acquittal. Point No.1 is found in favour of the accused.

Point No.2:-

9. In the light of the findings on point No.1, accused is found not guilty of the offences u/s. 323, 325 and 294(b) IPC.

In the result, accused is acquitted of the charge under section 248 (1) Cr.P.C. He is set at liberty and his bail bond stands cancelled.

Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me on this the, 17th day of March, 2026.

Sd/-
Judicial First Class Magistrate-1,
Alappuzha.

APPENDIX

Prosecution Witnesses :-

PW1 : Ramesh
PW2 : Jayamohan

Prosecution Exhibits:-Nil

Sd/-
Judicial First Class Magistrate-1,
Alappuzha.