

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II,ALAPPUZHA

Present:-Ms.Seethal.M.Sasidharan, Judicial First Class Magistrate-II

Dated this the 19th day of March, 2026/ 28th Phalguna, 1947

C.C.No. 1669/22

Complainant :		State Of Kerala represented by Sub Inspector of Police, Mannancherry Police Station in Crime No.425/21. (By Nageswary,APP JFMC-II Alappuzha)
Accused	1.	Rajesh, 35/21 years, S/o Anirudhan, Veliyil house, Pollethai.P.O, Mararikulam
	3.	Gireesh, 30 years, S/o Anirudhan, Veliyil house, Pollethai.P.O, mararikulam (By.Adv.Vijesh Kumar)
Offences	:	Punishable u/S. 323, 324, 294(b), 451 and 427 IPC
Plea	:	Not guilty
Finding	:	Not guilty
Sentence or order	:	Accused are acquitted of the offences punishable u/S.323, 324, 294(b), 451 and 427 IPC IPC, u/s 248(1) of CrPC.

Description of the accused

Name	Father's/ husband's Name	Occupation	Residence	Age
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Rajesh	Anirudhan		Veliyil house, Pollethai.P.O, Ward No2 Mararikulam South Panchayth	35/21
Gireesh	Anirudhan		Veliyil house, Pollethai.P.O, Ward No 2 , Mararikulam south Panchayth	30/21

Dates of

Occurrence	Complaint	Appearance	Period of detention undergone during investigation, inquiry of trial for the purpose of S.428 Cr.PC	Release on bail	Commencement of trial
08.08.2021	09.09.2021	08.11.2023	-	04.03.2024	08.11.2023

Commencement of evidence	Close of trial	Sentence or order	Reason for delay
19.03.2025	18.03.2026	19.03.2026	

This case having been finally heard on 18.03.2026, the Court on 19.03.2026 delivered the following .

J U D G M E N T

1. This case is instituted upon a final report filed by the Sub Inspector of Police, Mannancherry Police Station in Crime No.425/21 against the accused alleging offences punishable u/S. 323, 324, 294(b), 451 and

427 of Indian Penal Code (hereinafter referred to as IPC, in short).

2. **Prosecution case in brief:-** The accused, who is the husband of the informant, on 07.08.2021 at about 8:00 PM, with the intention of voluntarily causing hurt, trespassed into the informant's house, namely Veliyil House, in an intoxicated condition and slapped the informant on her cheek, causing her pain. Thereafter, the accused again beat the informant on her hand, hurled abuses at her, and struck her right elbow with a wooden stick. The second accused, who is the brother of the first accused, destroyed the television kept inside the informant's house, causing a loss of Rs. 16,000/-. Thus, the accused in furtherance of their common intention is alleged to have committed punishable u/S. 323, 324, 294(b), 451 and 427 IPC.
3. On completion of investigation, charge sheet was filed against the accused before the Judicial Magistrate of First Class – I, Alappuzha and it was taken on file of that court as CC 2231/21. Thereafter the case was transferred to this court as per the order of Hon'ble Chief Judicial Magistrate and the case was taken on file as CC 1669/22.
4. Accused entered appearance on summons and they were released on bail. Copies of prosecution records were served to accused in compliance with section 207 of Code of Criminal Procedure. After hearing both sides, charge was framed for the offences u/s. 323, 324, 294(b), 451 and 427 IPC. It was read over and explained to the accused to which they pleaded not guilty and claimed to be tried.
5. From the side of prosecution, PW1 to PW3 were examined and Ext.P1

was marked. Remaining witnesses were given up by Learned APP .As there were no incriminating circumstances against the accused, examination of accused u/S.313(1)(b) Cr.P.C was dispensed with. They denied all incriminating circumstances appearing in evidence against them. No evidence was adduced from the side of defence.

6. Heard both sides and perused the records.

7. The points that arise for consideration are:-

- (1) Did the accused criminally trespass into the house of PW1 having made preparation for causing hurt to PW1 and thereby committed offence punishable u/s 451 IPC?
- (2) Did the accused, on 07.08.2021 at about 8:00 PM, at Veliyil House, utter obscene words to PW1, causing annoyance to her, and thereby committ an offence punishable under Section 294(b) of the IPC?
- (3) Did the accused on the day ,time and place abovementioned voluntarily cause hurt to PW1 and thereby committ an offence punishable under Section 323 of IPC?
- (4) Did the accused on the day ,time and place abovementioned , voluntarily cause hurt to PW1 with a wooden stick and thereby committ offence punishable u/s 324 of IPC?
- (5) Did the accused on the day ,time and place abovementioned , has cause mischief of Rs 16,000/- to PW1 by breaking the TV and thereby committed offence punishable u/s 427 of IPC?

(6) If found guilty, what is the proper sentence or order to be passed?

8. **Points No.1 to 5:-** For the sake of convenience and to avoid repetition of facts, these points are considered together. PW1, who is the informant in this case, deposed before the Court that she did not sustain any injuries in the alleged incident. She further stated that the accused is her husband and that she has no grievances against him. Though PW1 identified her signature in Ext P1 statement, she did not give evidence in support of the prosecution case. PW2 and PW3 totally denied the case of the prosecution that they witnessed the incident. They also denied of having given any statement to police in this regard. As the principal witnesses themselves did not support the prosecution version, the learned A.P.P. gave up the examination of the remaining witnesses.
9. On an analysis of the entire prosecution evidence, there are no materials before this Court connecting the accused with the offences alleged against them. PW1, who is the material witness, herself deposed that she has not sustained any injuries in the alleged incident . Hence, it can be concluded that the prosecution has miserably failed to prove the guilt of the accused beyond reasonable doubt. Accordingly, these points are found against the prosecution.
10. **Point No.6:-** In light of the findings on point no.1 to 5, accused are found not guilty of the offences punishable u/S. 323, 324, 294(b), 451 and 427 IPC

In result, both accused are acquitted of the abovementioned offences u/S.248(1) of Cr.P.C. Their bail bonds stand cancelled

and they are set at liberty.

TR 593/22 , wooden stick shall be destroyed on expiry of the period of appeal and in the event of appeal after it's disposal .

Dictated to the Confdl. Asst., typed by her, corrected by me and pronounced in open court on this 19th day of March, 2026.

Seethal .M.Sasidharan
Judicial First Class Magistrate-II

APPENDIX

A. Witnesses for prosecution:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, other witness
PW1	Sooryamol	injured witness
PW2	Kunjumol	Eye witness
PW3	Abhijith	Eye witness

B. Defence Witness:- Nil

C.Court Witness:- Nil

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. prosecution Exhibits :-

Sl. No.	Exhibit Number	Description
1.	P1/PW1	First Information Statement dated 08.08.2021 proved on 19.03.2025

B. Defence Exhibits:- Nil

C.Court Exhibits:- Nil

D.Material Objects:-Nil

Judicial First Class Magistrate-II,
Alappuzha