

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. 2516/22

Complainant : State Of Kerala represented by Sub
Inspector of Police, Mararikulam Police
Station in Crime No.363/22.
(By Nageswary APP, JFMC-II
Alappuzha)

Accused	1. Sreekanth Manu, 22 years, S/o Manoharan, Thekkedaivathinkal house, Cherthala.P.O, Cherthala
	2. Aromal, 22 years, S/o Prasannan, Nivarthil house, ward no.3, Muhamma.P.O
	3. Akshay, 22 years, S/o Gopalakrishnan, Thoppuveli house, ward no.9, Mararikulam North Panchayath, S.L.Puram .P.O, (By Adv. K.Chandra Babu)

Offences : Punishable u/S. 294(b), 341, 324, 326 r/
w 34 IPC.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused are acquitted of the offences
punishable u/S.294(b), 341, 324, 326 r/w
34 IPC, u/s 248(1) of CrPC.

Description of the accused

Name	Father's/ husband's Name	Occupation	Residence	Age
Sreekanth Manu	Manoharan		Thekkedaivathinkal house, Cherthala.P.O, Cherthala Municipality	22
Aromal	Prasannan		Nivarthil house, ward no.3, Muhamma.P.O	22
Akshai	Gopalakrishnan		Thoppuveli house, ward no.9, Mararikulam North Panchayath, S.L.Puram .P.O,	22

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	Commence- ment of trial
11.04.2022	26.09.2022	20.03.2022	-	20.03.2022	20.03.2022

Commencement of evidence	Close of trial	Sentence or order	Reason for delay
25.10.2026	17.03.2026	19.03.2026	

This case having been finally heard on 17.03.2026, 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, Mararikulam Police Station in Crime No. 363/22 against the accused alleging offences punishable u/S. 294(b), 341, 324, 326 r/w 34 of Indian Penal Code (hereinafter referred to as IPC, in short).
2. **Prosecution case in brief:-** On 11.04.2022 at 06:30 hours, at the SN College Auditorium, the second and third accused wrongfully restrained PW1, while the first accused hurled obscene words at him. Thereafter, the first accused assaulted PW1 using his silver kada and kicked him, causing him to fall down and sustain a fracture to his nasal bone. Thus, the accused are alleged to have committed offences punishable under Sections 294(b), 341, 324, and 326 read with Section 34 of the Indian Penal Code.
3. 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 294(b), 341, 324, 326 r/w 34 IPC. It was read over and explained to the accused to which they pleaded not guilty and claimed to be tried.
4. From the side of prosecution, PW1 to PW4 were examined and Ext.P1 was marked. Though coercive steps were initiated against CW3 , the prosecution could not procure the presence of the witness . Remaining witness 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 him. No evidence was adduced from the side of defence .

5. Heard both sides and perused the records.

6. The following points arise for the consideration of this court :-

(1) Did the accused, on 11.04.2022 at 06.30 hours , in SN college Auditorium, wrongfully restrain PW1 and thereby committed an offence punishable under Section 341 of the IPC?

(2) Did the accused, on the said date, time and place above mentioned utter obscene words to PW1 to his annoyance and thereby committed an offence punishable under Section 294(b) of the IPC?

(3) Did the accused, on the said date, time and place, above mentioned, voluntarily cause hurt to PW1 by hitting him with silver kada and thereby committed offence punishable u/s 324 of IPC?

(4) Did the accused, on the said date, time and place, above mentioned caused grievous hurt to PW1 with the above mentioned weapon and thereby committed offence punishable u/s 326 of IPC?

(5) Did the accused commit the acts mentioned above in furtherance of their common intention?

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

7. **Points No.1 to 5:-** For the sake of convenience and to avoid repetition of facts, these points are considered together. PW1 is the informant in this case. He deposed before the Court that he had sustained injuries in

the alleged incident; however, he stated that the accused had not attacked him. Though PW1 identified his signature in Ext. P1 statement, he did not give evidence in support of the prosecution case.

8. PW2 to PW4 are the occurrence witnesses. They also denied the case of the prosecution that they witnessed the incident and 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, this Court finds that there are no reliable materials connecting the accused with the offences alleged against them. PW1, who is the injured witness and the material witness for the prosecution, failed to identify the accused as the persons who attacked him. In the absence of proper identification and any other corroborative evidence, the prosecution has not succeeded in establishing the guilt of the accused beyond reasonable doubt. Hence, it can be concluded that the prosecution has miserably failed to prove the guilt of the accused beyond reasonable doubt. Hence, 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. 294(b), 341, 324, 326 r/w 34 IPC.

In result, accused are acquitted of the above mentioned offences u/S.248(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

TR 244/22, a Silver Kada , shall be confiscated on the 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	Akhil	Injured witness
PW2	Binoy	Eye witness
PW3	Abhijith	Eye witness
PW4	Harshan	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 14.02.2022 proved on 25.09.2025

B. Defence Exhibits:- Nil

C.Court Exhibits:- Nil

D.Material Objects:-Nil

Judicial First Class Magistrate-II,
Alappuzha