

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

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

Dated this the 1st day of September 2025

CMP 2021/25 in C.C. 916/19

Petitioner : Muraleedharan.R.M, aged 48 years,
S/o Ramakrishnanunni,
Muraleebhavanam, Charamangalam,
Mayithara Market.P.O, Alappuzha
(By Adv.Sreevidhya.S)

Accused : State represented by S.I of Police,
Mararikulam Police station in
Crime no 761/12.

Proceedings : u/S. 239 CrPC

Order : Petition is Dismissed.

ORDER

1. This is a petition filed by the accused under section 239 of the Code Of Criminal Procedure (hereinafter referred to as CrPC).
2. **Petition averments in brief** : The petitioner is the accused in the above crime . The prosecution's case, in brief, is that on 28.10.2012 , at around 3.00 pm , the accused poured acid upon one Santosh and his friend Saji , thereby causing burn injuries to them . FIR was registered against the accused for the offences punishable under section 326 ,447 and 324 of IPC. On completion of investigation final report was filed by the police deleting section 326 of IPC as no grievous injuries were sustained to them and final report was filed before the Judicial First Class Magistrate Court -I Alappuzha alleging offences under section 447 and section

324 of IPC . The learned counsel for the petitioner submits that the charges against him are baseless and that this case was falsely registered against him . He submits that there is a long history of enmity between the injured in this case and the petitioner and it was account of the said enmity that this case was falsely registered against him . The learned counsel for the petitioner further contends that no injuries are noted in the discharge certificate of the injured persons produced along with the final report and it clearly indicates that no such incident has happened . Hence it is submitted that there are no sufficient grounds to proceed against the petitioner for the above mentioned offences and he is entitled for discharge .

3. Copy served to learned Assistant public prosecutor.
4. Heard both sides and perused the records.
5. The only point that arise for consideration of this court is :
 - 1) Are there sufficient grounds for proceeding against the accused for the offences under section 324 and 447 of IPC ?
6. The specific case of the prosecution is that on 28.10.2012 , at around 3.00 pm , the petitioner /accused poured acid upon Santosh (CW1) and Saji (CW2) thereby causing burn injuries to them on their face . The learned counsel for the petitioner submitted that there are no sufficient evidence before this court to establish that the petitioner has committed the said acts. He argued that the said case has been charged against the petitioner only on account of the long enmity between the petitioner and the injured witness .


7. It is settled proposition of law that at the time of deciding petition seeking discharge, the Court has to see whether there exists any prima facie materials to proceed the case and the defence taken by the accused need not be looked into at the time of framing of charges. While considering petition for discharge of the accused, allegations and materials in the documents filed by the prosecution in the report under S.173 Cr.P.C. must be considered and probative value of the evidence need not be gone into at this stage.
8. The FIR in this case was initially registered against the petitioner for the offences under section 326 , 324 and 447 of IPC .However , later on investigation since it was found that no greivous injuries were sustained to CW1 and CW2 , section 326 was omitted and final report was filed for the offences under section 324 and 447 of IPC . The final report in this case was initially filed before the JFMC-I Alappuzha and it was taken on file of the court as CC 386/14 .Later the case was transferred to this court as per the order no C2.10658/19 dtd 03.10.2019 of the Hon'ble Chief Judicial Magistrate ,Alappuzha .
9. The petitioner is alleged to have poured acid over CW1 and CW2 thereby causing burn injuries to them .The petitioner has approached the Hon'ble High court in Crl.M.C 572/20 for quashing the FIR and all further proceedings against him in this case and the Hon'ble High court vide it's order dtd 17th October 2024 had dismissed the said petition granting him liberty to approach the trial court seeking discharge .Hence the petitioner has filed the present petition .

10. On perusal of the prosecution records, it is seen that the wound certificates of CW1 and CW2, issued from THQH Cherthala, clearly note acid burn injuries on their faces. The body note prepared by the police while recording the statements also mentions the said burn injuries. The injured and occurrence witnesses have also given their Section 161 statements in tune with the prosecution case. Though the petitioner alleges history of enmity between himself and the petitioner the same cannot be taken into consideration at this stage . Moreover , it is also seen that the charge has already been framed against the petitioner on 15.02 .2018 while the case was pending before JFMC-I Alappuzha and summons was also issued to the witnesses .

11. The prosecution records, including the wound certificates and the body note of CW1 and CW2 prepared by the police, clearly show that they sustained injuries in the alleged incident. On analyzing the entire records, there are prima facie materials before this Court sufficient to proceed against the petitioner. Hence, considering the above materials and the fact that the charge has already been framed against the petitioner, the present petition for discharge is liable to be dismissed.

In result , the petition is dismissed .

Dated this the 1st day of September 2025


Judicial First Class Magistrate-II,
Alappuzha