

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE
AMBALAPUZHA**

Present : Aiswarya Ann Jacob

Judicial Magistrate of First Class

Dated this, the 26th day of May, 2026

C. C. No.900/2022

Complainant : State of Kerala represented by the Sub
Inspector of police, Ambalapuzha Police
Station in Crime No.1409/2016.

Rep. by A.P.P., Ambalapuzha

Accused : Arun Muraly, aged 26/17 years,
S/o. Muraleedharan Pillai, Kannattu tahi,
Ambalapuzha Taluk now residing at
Lekshmi Sadanam, Karoor Muri,
Purakad P/W-4.(original A3)

Rep. by Adv. K. Sreekumar

Offences : U/s. 323, 324, 341 r/w S.34 of Indian
Penal Code

Plea : Not guilty

Finding : Not guilty

Sentence or Order : Accused is acquitted u/s.271(1) of BNSS

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and Crime No. of the offence	Name	Father's name	Occupation	Residence	Age
1.	Ambalapuzha Police Station in Crime No. 1409/2026	Arun Muraly	Muraleedharan Pillai		Kannattu tahi, Ambalapuzha Taluk now residing at Lekshmi Sadanam, Karoor Muri, Purakad P/W-4.	26/17

DATES OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of Evidence
09.09.16	09.09.16	10.07.25	10.07.25	...	05.08.25	09.09.25

Close of trial	Sentence/ Order	Service of Copy of Judgment or finding on account	Explanation of delay	Period of detention undergone during investigation, inquiry of trial for the purpose of section 428 Cr.P.C.
22.05.26	26.05.26	...	No delay	...

This case having been heard on 22.05.2026 and the court on 26.05.2026 delivered the following :

J U D G M E N T

1. This is a case instituted on a final report filed by the Sub Inspector of police, Ambalapuzha Police Station in Crime No. 1409/2016, alleging commission of offences punishable u/s.323, 324, 341 r/w S.34 of Indian Penal Code against the accused persons.

2. The prosecution case in brief is as follows :

The prosecution case is that, on 09.09.2016 at 5.30 p.m. at the Thakazhi Auto Stand, the accused persons, in furtherance of their common intention, assaulted CW1. The first accused struck CW1 on the nasal bone with an iron rod, while the second and third accused restrained him, and the third accused hit him on his back. When CW1 fell down, the first accused kicked him, thereby causing injury to the muscles of his left hand. Thus, the accused are alleged to have committed the aforesaid offences.

3. Upon taking cognizance of the offences based on the final report, the case was originally taken on file as C.C.No.12/2018 against accused persons. The trial against accused nos.1, 2 and 4 were conducted and they were acquitted u/s.248(1) of Cr.P.C. vide judgment dated 31.03.2022. Since the presence of the 3rd accused couldn't be procured, the case against him was split-up and refiled as C.C.No.218/2022. Later the case was transferred to the register of LP as L.P.No.15/2025. On 10.07.2025, the 3rd accused appeared before the court. Case was hence refiled as C.C.No 900/2022, the present proceedings.

4. On the appearance of the accused before the court, he was released on bail and copies of relevant prosecution records were furnished to him. After hearing both sides, charge for offences u/s. 323, 324, 341 r/w S.34 of I.P.C framed, read over and explained to accused to which he pleaded not guilty and claimed to be tried.

5. The prosecution examined PW1 and PW2. It was reported that the injured CW1 deceased prior to the trial. Hence prosecution relies upon the evidence of PW1 and PW2 to prove the case. Since PW1 and PW2 being the witnesses to prove the alleged incident turned hostile to the case of the prosecution, all the other witnesses were given up by the learned APP. Since no incriminating circumstance was brought out against the accused person by the prosecution in its evidence, the examination under Section 351(1)(b) BNSS was also dispensed with. No defence evidence was adduced.

6. Heard both sides.

7. The following points arose for consideration

- i Whether the accused persons in furtherance of their common intention, on 09.09.2016 at 5.30 pm at Thakazhy Auto Stand wrongfully restrained CW1 and thereby committed the offence punishable under Section 341 r/w S.34 of IPC ?
- ii Whether the accused persons in furtherance of their common intention, voluntarily caused hurt to CW1 and thereby committed an offence punishable under Section 323 r/w S.34 of IPC ?
- iii Whether the accused persons in furtherance of their common intention, voluntarily caused hurt to CW1 using an iron rod and thereby committed an offence punishable under Section 324 r/w S.34 of IPC ?
- iv What shall be the sentence or order ?

8. **Point nos.1 to 4** : As the matter to be discussed in these points are interrelated, for the sake of brevity and convenience, these points are considered together. The prosecution levelled against accused persons is that, they in furtherance of their common intention, voluntarily caused hurt to CW1 using an iron rod, thereby resulting in the final report indicting the accused persons for the offences punishable u/s.341, 323, 324 r/w 34 of IPC.

9. The injured CW1 was reported no more. Hence prosecution had examined PW1 and PW2. Both of them being the occurrence witnesses to the incident, turned hostile to the case of the prosecution.

10. Since both the material witnesses turned hostile to the case of the prosecution, the remaining witnesses were given up by the learned APP. Thus, the inevitable conclusion that could be drawn is that the prosecution has failed to prove the allegations levelled against the accused person. Hence, the point nos (i) to (iii) are answered against the prosecution. Accordingly, these points are found against the prosecution.

11. **Point no. iv** : In the light of my findings in point nos (i) to (iii), accused is found not guilty of the offences punishable u/s341, 323, 324 r/w S. 34 of Indian Penal Code and he is acquitted u/s.271(1) of BNSS. The accused is set at liberty and the bail bonds executed by him stand cancelled. Material object shall be disposed of after the appeal period is over, as per rules.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court, on this, the 26th day of May, 2026).

Judicial Magistrate of First Class
Ambalapuzha

APPENDIX

Witnesses for the Prosecution :

PW1 : Anikkuttan

PW2 : Sebastian

Exhibits for the Prosecution : NIL

Witnesses/Exhibits for Defence : NIL

Court Witnesses/Exhibits : NIL

Material objects marked : NIL

Judicial Magistrate of First Class
Ambalapuzha