

IN THE COURT OF SESSION, ALAPPUZHA DIVISION AT CHERTHALA

Present: Ms.Lakshmy.S, Assistant Sessions Judge

Tuesday the 17th day of March, 2026/26th day of Phalgunam, 1947

S.C.No.618/2024

Crime No.1966/2023 of Cherthala Police Station

C.P.No.08/2024 of JMFC-I, Cherthala

Complainant : State represented by the
Sub Inspector of Police,
Cherthala Police Station
in Crime No.1966/2023

(By Addl.Public Prosecutor)

Accused : A1. Sachin.S, aged 27/23 yrs
S/o Satheesan,
Thenathu House,
Muttathiparambu.P.O,
Thanneermukkom P/W-20.

:A2. Vineeth, aged 34/23 yrs
S/o Bhargavan,
Kunnathara House,
Muttathiparambu P.O,
Thanneermukkom P/W-20.

:A3. Akhil.K.D, aged 27/23 yrs
S/o Dayalu
Kuruvelichira House,
Muttathiparambu.P.O,
Thanneermukkom P/W-20.

:A4. Lohith, aged 28/23 yrs
S/o Narayana Panicker,
Thekke thenathu House,
Muttathiparambu.P.O,
Thanneermukkom P/W-20.

(By Adv. Deepthi Dinakar)

Charge : Under Sections 323, 324, 294(b), 308 r/w 34 IPC

Plea : Not guilty

Finding : Not guilty

Sentence or Order : **The accused are acquitted under Section 232 Cr.P.C for the offences punishable u/Ss. 323, 324, 294(b), 308 r/w 34 IPC. Bail bonds executed by the accused stand cancelled and they are set at liberty.**

Description of the accused

Sl No	Name	Father's/ Husband's Name	Age	Address
1.	Sachin.S	S/o Satheesan	27/23	Thenathu House, Muttathiparambu.P.O, Thanneermukkom P/W-20.
2.	Vineeth	S/o Bhargavan	34/23	Kunnathara House, Muttathiparambu P.O, Thanneermukkom P/W-20.
3.	Akhil.K.D	S/o Dayalu	27/23	Kuruvelichira House, Muttathiparambu.P.O, Thanneermukkom P/W-20.
4.	Lohith	S/o Narayana Panicker	28/23	Thekke thenathu House, Muttathiparambu.P.O, Thanneermukkom P/W-20.

Dates of:

Occurrence : 10.12.2023

Complaint : 05.01.2024

Apprehension : 13.12.2023 (A2, A4)
A1 and A3 not arrested

Release on bail : 15.12.2023 (A2, A4)

Commitment : 09.04.2024

Appearance	:	27.01.2025
Commencement of trial	:	09.01.2024
Close of trial	:	17.03.2026
Judgment	:	17.03.2026
Number of witnesses	:	4

This case having been finally heard on 17.03.2026 and the Court on the same day delivered the following

J U D G M E N T

The accused four in number stand prosecuted by the State represented by the Sub Inspector of Police, Cherthala Police Station in Crime No.1966/2023, alleging offences punishable under Sections 323, 324, 294(b), 308 r/w 34 IPC.

2. The prosecution case, in brief, is as follows: Due to prior animosity towards PW1, with the intention to cause him hurt, at 19.15 hours on 10/12/2023, while PW1 was standing in a queue at Kerala State Beverages Corporation shop FL-1 shop No. 4004/2016-17, Cherthala, accused No.2 verbally abused him using obscene words and struck on his head with a granite stone, as a dangerous weapon, thereby causing injury therein. Accused No.3 pushed him and accused Nos.1 to 4 hit and stamped him. Had PW1 not tried to resist the act of the accused No.1, it would have caused fatal injury on his head and resulted in his death. Hence, the accused persons are alleged to have committed the above said offences.

3. On the basis of the First Information Statement given by PW1, the Sub Inspector of Police, Cherthala Police Station (CW7) registered the First

Information Report, and CW8 conducted investigation and submitted Final Report before the Judicial First Class Magistrate Court-I, Cherthala. The case was taken on file as CP No.08/2024.

4. The accused appeared before the Committal Court. The learned Magistrate furnished copies of all relevant records to the accused and committed the case to the Hon'ble Court of Sessions, Alappuzha under Section 209 Cr.P.C as per Order dated 09.04.2024. Thereafter, the case was made over to this court for trial and disposal.

5. The accused appeared before this Court and they were permitted to continue the bail. The Prosecutor opened their case by describing the charge brought against the accused and stated by what evidence he proposed to prove the guilt of the accused.

6. After hearing both sides and on perusing the case records, as it was found that the accused were not entitled for a discharge u/S.227 CrPC, charge under Sections 323, 324, 294(b), 308 r/w 34 IPC was framed against accused. The charge was read over and explained to them, to which, the accused pleaded not guilty. The case was scheduled for trial.

7. PW1 to PW4 were examined and Ext.P1 was marked from the side of the prosecution. As the injured and occurrence witnesses did not support the prosecution case, the remaining witnesses were given by the Prosecutor as their examination will not improve the prosecution case. The prosecution evidence was closed.

8. As there was no incriminating circumstance against the accused, their examination u/S.313 Cr.P.C was dispensed with. Both sides were heard u/S.232 Cr.P.C.

9. The points that arise for consideration are: -

- (1) Whether the 3rd accused, voluntarily caused hurt to PW1 by kicking him, and the accused No.1 to 4 by hitting and kicking PW1, in front of Kerala State Beverages Corporation shop FL-1 Shop No.4004/2016-17, X-ray junction, Cherthala Municipal Ward.16, on 10.12.2023 at 19.15hours, as alleged?
- (2) Whether the 1st accused voluntarily caused hurt to PW1 by beating on his head and causing injuries, with a granite stone which is a dangerous weapon likely to cause death on the same date, time and place, as alleged?
- (3) Whether the 2nd accused uttered obscene words at Sri.Anas Salim (PW1), in front of Kerala State Beverages Corporation shop FL-1 Shop No.4004/2016-17, X-ray junction, Cherthala Municipal, Ward.16, which is a public place and cause annoyance to others, on the same date, time and place, as alleged?
- (4) Whether the 1st accused voluntarily cause hurt to PW1 by striking on his head with a granite piece to inflict injury and attempted to commit culpable homicide not amounting to murder on the same date, time and place, as alleged?
- (5) Whether the accused No.1 to 4 have committed the aforesaid offences in furtherance of common intention to cause hurt to PW1, and jointly liable for the above said offences, on the same time, date and place, as alleged?
- (6) Whether the accused committed the offences punishable u/Ss.323, 324, 294(b), 308 r/w 34 IPC?
- (7) If found guilty, what is the order as to sentence?

10. **Point Nos.1 to 5:** - As the matters to be discussed under these points are associated, these are considered together. PW1 is the injured and the crime

was registered on the basis of his Ext.P1 FIStatement before the Sub Inspector of Police, Cherthala Police Station. PW1 deposed that, the incident took place near a Beverage shop at X-ray junction, Cherthala, at around 7p.m. in a day on December, 2023 and he was attacked by 3 or four people. They hit him on the back of the head with some kind of weapon. The police came and took him to the Cherthala Taluk Hospital and from there to Medical College Hospital, Kottayam. Later he gave Ext.P1 statement to police. But PW1 further deposed that he did not know the assailants and denied statement against the accused. When learned PP put leading questions with the permission of the Court, PW1 deposed that he had no complaints against the accused herein.

11. PW2 to PW4 were examined as occurrence witnesses. But all of them denied statement to police regarding the involvement of the accused in the incident. They deposed that they did not know the assailants and failed to identify the accused before the court. Though the learned Additional Public Prosecutor with the permission of the Court put leading questions, nothing was brought out in their evidence. As the injured and the occurrence witnesses did not support the case of the prosecution, the remaining witnesses were given up by the learned Prosecutor.

12. The evidence of PW1 to PW4 are not sufficient to connect the accused with the offences alleged and the prosecution could not prove the offences alleged against the accused herein. The points are found against the prosecution.

13. **Point No.6 and 7** :- In view of the findings on point No.1 to 5, the accused are found not guilty of the offences punishable u/Ss.323, 324, 294(b), 308 r/w 34 IPC.

In the result, the accused are acquitted under Section 232 Cr.P.C. for the offences punishable u/Ss.323, 324, 294(b), 308 r/w 34 IPC. Bail bonds stand cancelled and the accused are set at liberty. TR 853/23 being valueless, shall be destroyed after the period of appeal.

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

Sd/-

LAKSHMY. S,
Assistant Sessions Judge.

APPENDIX

Witnesses from the side of prosecution

PW1	:	Anas Salim (CW1)	:	13.03.2026
PW2	:	Unnikrishnan (CW2)	:	13.03.2026
PW3	:	Aji (CW3)	:	13.03.2026
PW4	:	Sunil (CW4)	:	13.03.2026

Exhibits from the side of prosecution

P1 : F.I.S dated: 11.12.2023 proved through PW1 on 13.03.2026.

Witnesses and exhibits from the side of defence :

Nil

Material Objects

Nil

Id/-

ASSISTANT SESSIONS JUDGE