

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II  
CHERTHALA.

Present: Smt. Aminakutty P. M, Judicial First Class Magistrate-II  
Dated this the 18<sup>th</sup> day of March, 2026

**C.C. No.499 of 2022**

Complainant : State of Kerala represented by the Assistant  
Police Sub Inspector, Poochakkal Police  
station in Crime No. 162-2022  
(By Assistant Public Prosecutor-II Cherthala)

Accused : A1. Anilkumar, aged 52/22 ,  
S/o. Padmanabhan,  
Kaniyamveli Veedu,  
Manappuram P O, Thykkattussery  
Panchayath  
Ward-7  
A2. Radhakrishnan, aged-57/22,  
S/o- Padmanabhan, Kaniyamveli Veedu,  
Manappuram P O, Thykkattussery  
Panchayath  
Ward-7  
( By Adv. V S Rajan)

Offence : U/ss. 447, 323, 324, 34 of IPC

Plea : Not guilty

Finding : Not found guilty

Sentence or order : **Accused is acquitted U/s. 248(1) of Cr.PC**

Description of accused

Sl. No.	Name of police station & crime No.	Name of accused	Father's Name	Occupation	Residence	Age
1.	Poochakkal Cr. No. 162/22	Anilkumar	Padmanabhan		Kaniyamveli Veedu, Manappuram P O, Thykkattussery	52/ 22

					Panchayath, Ward-7	
2	Do	Radhakrishnan	Padmanabhan		Kaniyamveli Veedu, Manappuram P O, Thykkattussery Panchayath, Ward-7	57/ 22

Date of

Occurrence	Complaint	Appearance of accused	Released on bail	Commencement of trial
07.03.2022	06.06.2022	19.09.2024	19.09.2024	07.03.2025
07.03.2022	06.06.2022	19.09.2024	19.09.2024	07.03.2025
Close of trial		Sentence or order		Explanation for delay
12.03.2026		18.03.2026		-

This case coming on for hearing on this day and the court on the same day passed the following:

### **J U D G M E N T**

This is a case charge sheeted by the Assistant Police Sub Inspector, Arthunkal Police Station in Crime No. 162/22, alleging the offences punishable U/Ss. 447, 323, 324 & 34 of Indian Penal Code, 1860 (hereinafter in short as IPC).

2. Prosecution case in brief is as follows: Due to prior animosity towards CW1, on 07.03.2022 at about 7:00 p.m., at Taikkattussery Panchayath Ward No. 7, in the courtyard of Kaniyambally house, the first accused struck CW1 on his head with a helmet. The second accused kicked CW5, who

attempted to intervene, and pushed him on his hand. Further, when CW1 and CW5 proceeded to go to the hospital, the accused again slapped them at Thevarvattam - Kaniyambally road. Hence, the accused committed offences punishable U/Ss 447, 323, and 324 r/w Sec 34 of the IPC

3. On appearance of accused, copies of all relevant documents relied on by the prosecution were furnished to them U/s.207 Cr. P.C and they were released on bail. The accused were defended by counsel appointed by them. After hearing both sides, charge was framed for the offences punishable u/ss 447, 323, 324 & 34 of the IPC and read over and explained to the accused to which they pleaded not guilty.

4. In order to prove the prosecution case, PW1 and PW2 were examined. Since the presence of CW1, the injured in this case, could not be procured even after giving several opportunities, his examination was dispensed with. The remaining witnesses were given up by learned Assistant Public Prosecutor. As there were no incriminating circumstance appeared against the accused, questioning of accused U/S. 313(1)(b) of Cr.PC was dispensed with. Thereafter, the accused was called upon to enter up on his defence and adduce evidence. No evidence was adduced by the accused.

5. Now the points to be decided in this case are:-

1. Whether the accused, on 07.03.2022 at about 7:00 p.m., criminally trespassed into the courtyard of Kaniyambally house situated at Taikkattussery Panchayat Ward No. 7, and thereby committed the offence alleged under Section 447 IPC?

2. Whether the first accused struck CW1 with a helmet and the second accused kicked CW5 when he attempted to intervene in the scuffle, at the aforesaid place, date, and time, and thereby voluntarily caused hurt to him, committing the offence alleged under Section 323 IPC?

3. Whether the accused persons, on the same day, near the house of CW1, in furtherance of their common intention, slapped CW1 when CW1 and CW5 were proceeding to the hospital, and thereby committed the offence alleged under Sections 323 and 34 of the Indian Penal Code?

4. If so, what is the order or sentence to be passed ?

6. Heard both sides.

**7. Point Nos.1 to 3:** In order to avoid repetition, for brevity and for the sake of convenience, all these points are considered together. Prosecution relied on the oral testimony of PW1 and PW 2 to prove the prosecution case. PW1 deposed that he did not witness the incident and that he had not given any statement to the police. He further stated that the accused are his neighbours. He turned hostile to the prosecution. PW2 deposed that he was familiar with CW1, Raju, but that he did not witness the incident and had not given any statement to the police. He also turned hostile to the prosecution. Since the presence of CW1, the injured in this case, could not be procured even after giving several opportunities, his examination was dispensed with.

8. In this case, the material witnesses turned hostile to the prosecution. Since the material witness turned hostile to the prosecution, the learned Assistant Public prosecutor given up the remaining witnesses. From the available evidence, this court could not find any material to connect the accused with the alleged offences. So this court find that the prosecution failed to prove the case against the accused beyond reasonable doubt. Hence the accused are found not guilty of the offences alleged against them. Point Nos . 1 to 3 are found against the prosecution.

9. **Point No.4:** - In view of my findings on point Nos.1 to 3, the accused are found not guilty of the offences alleged against them and they are entitled to get acquitted.

10. In the result, accused are found not guilty of the offences punishable u/ss 447, 323, 324 r/w 34 of the IPC and they are acquitted under section 248(1) of the Code of Criminal Procedure. The accused are set at liberty and the bail bonds executed by the accused are cancelled.

11. The property produced and received as TR 169/22 item No.1 shall be destroyed after the expiry of appeal period and if any appeal is filed, after its disposal, as the case may be.

Directly dictated to Adalath AI corrected and pronounced by me in open Court this the 18<sup>th</sup> day of March, 2026.

Sd/-  
Aminakutty. P.M.  
Judicial First Class Magistrate-II,  
Cherthala.

APPENDIXWitnesses examined for prosecution:

PW1 - Muraleedharan

PW2 - Shajin

Exhibits marked for the prosecution : NilWitnesses examined for the defence : NilExhibits marked for the defence : NilMO's marked : Nil.MO's unmarked : Nil

Sd/-  
Aminakutty. P.M.  
Judicial First Class Magistrate-II,  
Cherthala.

// True copy //

Judicial First Class Magistrate-II,  
Cherthala.