

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

Present: Smt. Aminakutty P. M, Judicial First Class Magistrate-II
Dated this the 07th day of April, 2026

C.C. No.1269 of 2019

Complainant	:	State of Kerala represented by the Assistant Police Sub Inspector, Poochakkal Police station in Crime No. 667-2019 (By Assistant Public Prosecutor-II Cherthala)
Accused	:	A1.Sabu, aged 27/19 S/o. Sahadevan, Puthenveli Veedu, Thykattussery Panchayath, Ward-7, Manappuram P O. A2. Sumesh, aged-42/19, S/o-Vijayan Nair, Arupurath Chirayil Veetil, Thykattussery Panchayth, Ward -7. (By Adv.P Sudheer)
Offence	:	U/ss. 341, 294(b), 323, 34 of IPC
Plea	:	Not guilty
Finding	:	Not found guilty
Sentence or order	:	Accused is acquitted U/s. 255(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. 667/19	Sabu	Sahadevan		Puthenveli Veedu, Thykattussery Panchayath, Ward-7, Manappuram P O.	27/19
2	Do	Sumesh	Vijayan Nair		Arupurath Chirayil Veettil, Thykattussery Panchayth, Ward -7.	42/19

Date of

Occurrence	Complaint	Appearance of accused	Released on bail	Commencement of trial
16.06.2019	19.09.2019	27.03.2024	27.03.2024	23.05.2025
16.06.2019	19.09.2019	27.03.2024	27.03.2024	23.05.2025
Close of trial		Sentence or order		Explanation for delay
04.04.2026		07.04.2026		-

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, Poochakkal Police Station in Crime No. 667 of 2019, alleging the offences punishable U/Ss. 341, 294(b), 323, 34 of Indian Penal Code, 1860 (hereinafter in short as IPC).

2. Prosecution case in brief is as follows: On 16.06.2019 at about 5:30 p.m., in front of Thachaparamba Bar situated at Poochakal, the accused persons wrongfully restrained CW1, slapped him, and assaulted him. The first accused also uttered abusive words towards CW1. By these acts, the accused persons are alleged to have committed offences punishable under Sections 341, 294(b), 323, read with Section 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 341, 323, 324, 294(b), 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 was examined. 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 persons, on 16.06.2019 at about 5:30 p.m. near Poochackal Thachaparamba Bar, unlawfully restrained CW1 and thereby committed the offence in furtherance of their common intention, punishable under Section 341 read with Section 34 IPC.
2. Whether the accused persons voluntarily caused hurt to CW1 by slapping him at the aforesaid place, date, and time, and thereby committed the offence in furtherance of their common intention, punishable under Section 323 read with Section 34 IPC.
3. Whether the first accused uttered abusive words towards CW1 at the aforesaid place, date, and time, in furtherance of the common intention of the accused persons, and thereby committed the offence punishable under Section 294(b) read with Section 34 IPC.
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 to prove the prosecution case. PW1 deposed that he did not witness the incident and was unaware of the date of occurrence. He came to know about the incident only when the police informed him. He did not give any statement to the police and ultimately turned hostile to the prosecution. Since the presence of CW1 could not be secured despite several opportunities, his examination was dispensed with. CW3 has passed away and therefore could not be examined.

8. In this case, the material witness 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 4 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 341, 294(b), 323, 34 of the IPC and they are acquitted under

section 255(1) of the Code of Criminal Procedure. The accused are set at liberty and the bail bonds executed by the accused are cancelled.

Directly dictated to Adalath AI corrected and pronounced by me in open Court this the 07th day of April, 2026.

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

APPENDIX

Witnesses examined for prosecution:

PW1 - Madhu

Exhibits marked for the prosecution : Nil

Witnesses examined for the defence : Nil

Exhibits marked for the defence : Nil

MO'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.