

**IN THE COURT OF SESSIONS DIVISION, ALAPPUZHA
ADDITIONAL SESSIONS COURT- I, MAVELIKARA**

Present: Smt.V.G.Sreedevi, Additional Sessions Judge-I

Tuesday, the 24th day of March, 2026/03rd Chaithram,1948

SESSIONS CASE No1312/2024

(Filed on : 06.11.2024)

(C.PNo22/2024 of JFCM-I, Haripad,

Crime No. 1014/2023 of the Haripad Police Station)

- Complainant : State of Kerala represented by
the Sub Inspector of Police, Haripad.

*(By Adv. P.V. Santhosh Kumar,
Addl. Public Prosecutor, Mavelikara)*
- Accused : Sivaprasad, aged 28/23, S/o Prasad,
Kochu chingamtharayil Veetil,
Thamallackal Muri, Kumarapuram
P/W-V, Kumarapuram village.

(By Adv.M.M.Anas Ali)
- Charge : Offences punishable u/s.294(b), 324,506(ii) and
308 of the IPC, 1860
- Plea : Not guilty
- Finding : Not guilty
- Sentence/Order : The accused is found not guilty of the offences
punishable u/ss.294(b), 324, 506(ii) and 308 of
the Indian Penal Code and he is acquitted
u/s.232 of Cr.P.C.

Description of the Accused

Sl. No	Name	Father's Name	Religion	Occupation	Residence	Age
1	Sivaprasad	Prasad			Kochu chingamtharayil veetil, thamallackal Muri, Kumarapuram panchayath ward-V, Kumarapuram village.	28/23

Dates of

Offence	:	26.11.2023
Report	:	29.11.2023
Apprehension	:	01.12.2023
Date of Arrest	:	30.11.2023
Release on Bail	:	21.12.2023
Committal	:	16.10.2024
Commencement of trial	:	17.02.2026
Close of trial	:	18.03.2026
Sentence/Order	:	24.03.2026
Explanation for delay	:	No delay

This Sessions Case having been finally heard on 18.03.2026 and the court on the 24.03.2026 passed the following:

ORDER

This is a case charge-sheeted by the Sub Inspector of Police, Haripad against the sole accused in Crime No.1014/2023 of Haripad Police Station, registered for the offences punishable u/ss.294(b), 324, 506(ii) and 308 of the Indian Penal Code.

2. Prosecution case, in brief, is as follows:- The accused, due to previous enmity towards CW1, as he intervened in the altercation between the accused and the friend of CW1, on 26.11.2023 at 10.30 p.m., beat CW1 on his back and on the left and backside of the head with a pathal stick, at the concrete road near the southern fence of the property of one Vimala, 'Kanjiram house' in Ward No.4 of Kumarapuram Panchayath, Thamallackal Muri, Kumarapuram Village, and when CW1 fell down, he attempted to stab on the head of CW1 with a knife, which was prevented by CW1 with his hands, thereby caused injuries on the left hand muscle portion and left cheek. Again the accused stabbed above the waist of CW1 twice, causing injuries there, and he intimidated and recited obscene words towards CW1, thereby the case.

3. On the basis of the F.I. Statement given by CW1, CW12 registered the FIR and CWs12 and 13 conducted the investigation, and on completion of investigation, CW13 filed the final report before the Court of the Judicial Magistrate of 1st Class-I, Haripad which received the case on file as C.P.22/2024. Thereafter, procuring the presence of the third accused and completing the formalities u/s.209 of Cr.P.C., the case was committed to the Hon'ble Sessions Court, Alappuzha u/s.209 of Cr.P.C. The Hon'ble

Sessions Court made over the case for trial to this Court, giving the number SC 1312/2024.

4. On appearance of the accused before this Court, charge u/ss.294(b), 324, 506(ii) and 308 of the Indian Penal Code framed, read over and explained to him, to which, he pleaded not guilty. On the side of prosecution, PWs1 to 4 were examined and Ext.P1 to P13 series were marked. MO1 and MO2 series were also marked. After the closure of prosecution evidence, the accused was not questioned u/s.313(1)(b) of Cr.P.C., as there is no incriminating evidence.

5. Thereafter, both sides were heard u/s.232 of Cr.P.C.

6. The points that arise for determination are:-

- 1. *Did the accused recite obscene words to the annoyance of PW1, as alleged?***
- 2. *Did the accused voluntarily cause hurt to PW1, by means of a dangerous weapon, as alleged?***
- 3. *Did the accused criminally intimidate PW1, causing fear of death to him, as alleged?***
- 4. *Did the accused commit culpable homicide of PW1, as alleged?***
- 5. *Sentence or order?***

7. **Point Nos.1 to 4:-** For the sake of brevity and convenience, these points are considered together. As per the prosecution allegation, the accused had enmity towards PW1 because he intervened while there was an altercation between the accused and the friend of PW1. Due to the said enmity, on

26.11.2023, the accused beat PW1 with a stick and thereafter, stabbed above the waist portion of PW1 twice, causing injuries. He also alleged to have abused and intimidated PW1.

8. PW1, the injured in this case, gave F.I. Statement which is marked as Ext.P1. He narrated the incident in which he was stabbed and beat. But, he could not identify the accused, and according to him, he gave statement to the Police as per the information given by the local people gathered there. He even denied of giving statement to the Police that the accused had beat and stabbed him.

9. PWs3 and 4 are independent witnesses who did not support the prosecution case. According to them, they did not see the incident in this case, and they did not know the assailant who allegedly attacked PW1.

10. PW4 is the Sub Inspector of Police Haripad. He would say that the F.I. Statement of the defacto complainant was recorded by CW11, and thereafter CW12 registered the F.I.R, Ext.P2. Ext.P1(a) is the body note of PW1 prepared by CW11. CW12 prepared Ext.P3 scene mahazar, after verifying the scene of occurrence. PW4 identified the signature of CW12. The arrest memo, inspection memo and arrest notice were marked as Ext.P4 series.

11. As per the confession of accused, the weapon ie., pathal was recovered, and the recovery mahazar is Ext.P5. The said stick is marked as MO1. The clothes worn by the accused at the time of offence were seized, and the seizure mahazar is Ext.P6. Shirt and pant (lower) were marked as MO2 series.

12. The clothes produced by the defacto complainant/PW1 before the Police Station were taken into custody, as per Ext.P7 mahazar. The blood sample of PW1 which was collected by CW8 was produced before the Police Station by CW10, for which, Ext.P8 seizure mahazar was prepared. The forwarding note for sending the blood sample for chemical analysis is Ext.P9.

13. The name and address report of the accused prepared by CW12 is Ext.P10. During investigation, Sec. 308 of IPC has been added, and that report is Ext.P11. The weapon and clothes were produced before the Court describing in property list Ext.P12 series. The forwarding note for sending the dress and blood sample of PW1 and the weapon (knife) is Ext.P13 series.

14. The scene plan prepared by the Kumarapuram Village Officer is Ext.P14. The wound certificate prepared by CW6 is Ext.P15 and it has been produced before the Court. The treatment certificate of PW1 from Medical College Hospital, Vandanam is Ext.P16. The report of taking charge of the investigation by PW6 is

Ext.P17. On completion of the investigation, PW6 laid the final report before the Court.

15. In this case, except the Investigating Officer, only three prosecution witnesses are examined, among them, PW1 is the defacto complainant. He would say that he was stabbed and beat by someone, but he did not know who is the assailant and according to him, he gave statement to the Police as per the information given by the local people. He could not identify the accused as the person who attacked him. He deposed that he did not give statement to the Police that the accused is the person who attacked him with pathal stick and knife. The other two witnesses, PWs2 and 3 also did not support the prosecution case, and according to him, they did not know the assailant. In this case, major part of investigation was conducted by CW12.

16. This is a case in which, there is no evidence to prove that the accused has committed the offences alleged against him. The prosecution miserably failed to establish any incriminating evidence against the accused. So, taking into consideration of these facts, I find that there is nothing in evidence to connect the accused with the alleged offence. Therefore, I find all these points against the prosecution.

17. **Point No.5:-**

In the result,

The accused is found not guilty of the offences punishable u/ss.294(b), 324, 506(ii) and 308 of the Indian Penal Code and he is acquitted u/s.232 of Cr.P.C. His bail bond stands cancelled and he is set at liberty.

MO1 and MO2 series shall be destroyed, after the appeal period. The knife described in Ext.P13 series shall be broken up and destroyed, after the appeal period.

(Dictated to the C.A., typed by her, corrected by me and pronounced in open court on this the 24th day of March, 2026).

Sd/-

V.G.SREEDEVI

ADDITIONAL SESSIONS JUDGE-I

APPENDIX

Witnesses as Examined for Prosecution

PW1	-	17.02.2026	Jayaraj.M (CW1)
PW2	-	17.02.2026	Gokul (CW3)
PW3	-	17.02.2026	Jishnu (CW4)
PW4	-	18.03.2026	Shyja E.S (Sub Inspector of Police) (CW13)

Exhibits marked for Prosecution

P1	-	29.11.2023	FIS (PW1)
P1(a)	-	29.11.2023	Body Note (PW4)
P2	-	29.11.2023	FIR (PW4)
P3	-	30.11.2023	Scene Mahazar (PW4)
P4(series)	-	30.11.2023	Arrest Memo, Arrest Notice, Inspection memo (PW4)
P5	-	07.12.2023	Seizure Mahazar (Knife) (PW4)

P6	-	07.12.2023	Seizure Mahazar (Dress) accused (PW4)
P7	-	01.12.2023	Seizure Mahazar (dress) Complainant (PW4)
P8	-	29.01.2024	Seizure Mahazar (PW4)
P9	-	31.01.2024	Forwarding note (PW4)
P10	-	30.11.2023	Report for address (PW4)
P11	-	30.11.2023	Report for section alternation PW4)
P12			
(series)	-	07.12.2023	Property list (TR 64/24) (PW4)
		30.11.2023	Property list (Tr 523/23) (PW4)
P13			
(series)	-	29.01.2024	Property list (TR 40/24) (List -I) (PW4)
		01.12.2023	Property list (TR 40/24) (List II) (PW4)
		07.12.2023	Property List (TR 40/24) (List III) (PW4)
P14			Scene Plan (PW4)
P15		26.11.2023	Wound Certificate of I st witness (PW4)
P16		06.01.2024	Treatment certificate of I st witness (PW4)
P17			Report of taking charge (PW4)

Material Objects marked and dates of production in the court:

MO1 പത്തൽ (Stick)
MO2(series) pant (lower) Shirt (Blue&Orange)

Exhibits marked for Defence :Nil

Witnesses as Examined for Defence :Nil

Id/-

Additional Sessions Judge-I