

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-II, MAVELIKKARA.**Present: Sri. Anandhu.J.B, Judicial First Class Magistrate-II.****12th day of May, 2026.****Calendar Case No. 438 of 2017**

Complainant : State represented by the S.I of
Police, Nooranad in Cr.No. 550/2017.

(By Smt.Dhanya S Pillai, APP, Gr.1, Mavelikara)

DESCRIPTION OF ACCUSED

Name	Father's Name	Occupation	Residence	Age
Ajith	Haridasan		Shiji-Bhavanam, Thandanuvila, Parakulam- Junction, Kanjukodu-Muri, Palamel- Village.(Kuttimukalil Veedu,Erumakuzhi Muri, Palamel Village)	26/17

(Adv. K. Anish)

Offences : U/ss. 294(b),341,323 of IPC.
Plea : Not guilty
Finding : Not guilty
Sentence/order : Accused is found not guilty of offenses punishable u/ss 294(b), 341 and 323 of IPC and is acquitted u/s 248(1) of CrPC.

Dates of:

Occurrence	Complaint	Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence
17.04.2017	30.04.2017	04.01.18	04.01.18		04.01.18	10.12.2018

Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Explanation of delay	Period of detention undergone during investigation, inquiry or trial for the purpose of s.428 CrPC.
08.05.2026	12.05.26	-	No delay	-

This case coming on for final hearing before me on 29.04.2026 and this day the court passed the following:-

J U D G M E N T

1. This case arose on a final report submitted by the S.I of Police, Nooranad in Cr. No. 550/2017 alleging offences punishable u/ss. 294(b),341,323 of IPC.

2. **The prosecution case in brief is as follows:** The prosecution case is that the accused due to enmity towards PW1 on 17.04.2017 at 1.00 am, attacked him on the road near kanal junction at Ulavukkad muri, Palamel village. The accused wrongfully restrained PW1 by caught hold on his neck and uttered obscene words towards him. The accused slapped on his left cheek and kicked on his abdomen and caused pain. Hence the offences.

3. The law was set in motion when PW1 lodged FIS to PW5. PW5 conducted investigation and filed final report before this court. On filing the final report, summons was issued to the accused. The accused appeared before the court and he was granted bail. Copies of case records were furnished to him. Particulars of the offences punishable under sections 294(b), 341 and 323 of IPC were read over and explained to the accused, to which he pleaded not guilty.

4. The prosecution has cited 7 witnesses, out of which PW1 to PW5 were examined and Ext. P1 to P7 were marked. CW2 and CW6 reported to be 'no more'. After examining the witnesses for the prosecution, the accused was examined under section 313(1)(b) of the

Cr.PC. He denied all the incriminating circumstances that appeared in the evidence against him. Thereafter, the defence was invited to adduce evidence. No evidence was adduced. The matter was considered for final decision after hearing the learned APP and the learned counsel who appeared for the accused. Perused the relevant records.

5. Heard both sides.

6. Following points arise for consideration.

1. *Whether the accused, on 17.04.2017 at 1.00 am, on the road near kanal junction at Ulavukkad muri, Palamel village wrongfully restrained PW1 and thereby committed offence punishable u/s 341 of IPC?*
2. *Whether the accused at the above-said time and place, voluntarily caused simple hurt to PW1 and thereby committed offense punishable u/s 323 of IPC?*
3. *Whether the accused at the above-said time and place, uttered obscene words towards PW1 and thereby committed offense punishable u/s 294(b) of IPC?*
4. *If so, what shall be the sentence or order?*

7. **Point Nos.1 to 3:** The case of the prosecution is that the accused due to enmity towards PW1 on 17.04.2017 at 1.00 am, attacked him on the road near kanal junction at Ulavukkad muri, Palamel village. The accused wrongfully restrained PW1 by caught hold on his neck and uttered obscene words towards him. The accused slapped on his left cheek and kicked on his abdomen and caused pain. According to the prosecution, the accused have committed the offences punishable under Section 294(b), 341 and 323 of IPC.

8. PW1 is the victim in this case. He deposed in tune with the prosecution case. He stated that he incurred hurt from the alleged offences committed by the accused. He stated that the alleged incident happened on 16.04.2017 in between 11.30 pm and 12.30 p.m at Ulavukkad on Pathamkuttu- Pandalam road. The accused came to the house of PW1 and informed him that his son is not well. Then PW1 followed the accused's bike in his bike. When reached the place of occurrence the accused asked him to why he talk wrong about his sister. The accused kicked on his stomach where operation was done. Thereafter he fisted on his right cheek. The accused caught hold on his collar. He went to Adoor Govt. Hospital and admitted there. According to PW1, street light was available in that place.

9. PW2 was the doctor who examined PW1 on 18.04.2017 at 9 a.m. PW1 came with alleged history of assault at home at 2.30 a.m. On examination, there was abrasion present on left knee, contusion present on back of head and complaints of body pain. The opinion of PW2 is that the injuries could be as alleged by PW1. Exhibit P2 is the wound certificate issued by PW2.

10. PW3 was cited as an eye witness. But during the examination before the court, he turned hostile to the prosecution. CW2, an occurrence witness is reported to be 'no more'.

11. PW4 was the person who attested the scene mahazar prepared by the investigation officer. The scene mahazar is marked as Exhibit P4.

12. PW5 was the investigation officer of this case. He recorded the first information statement given by PW1. Exhibit P1 is the first information statement. He registered Exhibit P5 FIR based on the same. Thereafter, the investigation was conducted by CW6. During investigation CW6 died. PW5 verified the investigation conducted by CW6 and laid final report before this court. Ext.P6 is the bail bond.

13. In this case PW1, the victim, is the only loyal witness before this court. PW3, an eye witness turned hostile to the prosecution. PW4 is an attester to scene mahazar, PW2 is the doctor and PW5 is the investigating officer. CW2, an eyewitness and CW6, police witness are reported to be 'no more'.

14. On perusing the records it is seen the incident occurred on 17.04.2017. But FIR was registered only on 30.04.2017. There is a delay of 18 days in registering the FIR. In the FIR or in the FIS, no explanation is provided for the delay. On perusing the oral evidence of PW1 also, nothing is stated about the delay. Hence, delay stands unexplained.

15. On perusing the evidence of PW1, it is seen that there are several discrepancies and shortfalls in the oral evidence of PW1. In Ext.P1 FIS PW1 stated that the time of occurrence is 1.00 am on 16.04.2017. But in Ext.P2 wound certificate, the time of occurrence is recorded as 2.30 am on 17.04.2017. The time and date mentioned in Ext.P1 FIS and Ext.P2 wound certificate are different. The overt acts done by the accused stated by PW1 in the FIS and in his examination in chief are also different. In Ext.P1 PW1 stated that the accused slapped on his left cheek. In his examination-in-chief, PW1 deposed that the accused fisted on his right cheek.

16. The only oral evidence available before this court to establish the guilt of the accused is that of PW1. PW1 is the victim in this case. Even though he is loyal to the prosecution, his oral evidence is full of contradictions, omissions, and embellishments. It is not foolproof. There are various discrepancies in his oral evidence, which is fatal to the prosecution. The oral evidence of PW1 is not of sterile quality so as to solely rely on it to find the guilt of the accused. Therefore, the evidence available before this court is not sufficient to find the guilt of the accused. The prosecution has failed to prove the case against the accused

beyond reasonable doubt. The accused is entitled for the benefit of doubt. Hence, points 1 to 3 are found in favour of the accused. Consequently, point no.4 does not arise for consideration.

In the result, accused is found not guilty of offenses punishable u/ss 294(b),341,323 of IPC and is acquitted u/s 248(1) of CrPC. His bail bond is cancelled and he is set at liberty.

(Typed by me using Adalat AI using my personal laptop, corrected and pronounced by me, in open court, on this the 12th day of May, 2026.)

Judicial First Class Magistrate-II,

Mavelikara.

APPENDIX:

1. List of prosecution/Defence/Court witnesses

A. Prosecution witnesses.

PW1	Vinod	Occurrence Witness
PW2	Dr. Vishnu.S Raj	Medical Witness
PW3	Udayan	Other Witness
PW4	Sreelatha	Other witness
PW5	V. Biju	Police witness

B. Defence witness:Nil

C. Court witness: Nil

II. List of prosecution/Defence/ Court Exhibits

A. Prosecution Exhibits:

1.	Ext.P1/PW1	FIS
2.	Ext.P2/PW2	Wound Certificate

3.	Ext.P3/PW3	161 statement of PW3
4.	Ext.P4/PW4	Scene Mahazer
5.	Ext.P5 /PW5	First Information Report
6.	Ext.P6/PW5	Bail Bond
7.	Ext.P7/PW5	Report

B. Defence Exhibits:Nil

C. Court Exhibits:- Nil

D. Material Objects:Nil

Judicial First Class Magistrate-II.

Mavelikara.