

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1

HARIPAD

Present: Smt. Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 16th day of March 2026

CALENDAR CASE. No. 160/2024

Complainant	:	State represented by the Sub Inspector of Police, Haripad Police Station in Crime No. 1095/2023 <i>(By Priya Rachel Abraham, APP Grade-I, Haripad)</i>
Accused	:	1.Abhiraj @ Chanthu 2.Rahul <i>(By Advocate Thesleena)</i>
Charge	:	Offences punishable U/Ss. 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860.
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused nos 1 and 2 are found not guilty of offences punishable U/ss. 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860 and they are acquitted u/s. 255(1) Cr.P.C.

Description of accused:-

Sl. No	Name of Police Station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Age
1	Haripad Police Station in Crime No. 1095/2023	Abhiraj @ Chanthu	S/o Varadarajan		Mandirathil vadakkathil veedu, Vettuveni muri, Karthikappally Village	23/24

2	- do -	Rahul	S/o Ravi		Rahul Nivas, Vettuveni muri, Karthikappally Village	25/24
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Date of

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence of order	Service of copy of judgment or finding on accused	Explanation for delay
25.12 2023	19.02 2024	22.10 2025	22.10. 2025	NA	16.02 2026	16.03 2026	16.03 2026	-	No delay

This case having been finally heard on today the court on the same day delivered the following :-

JUDGMENT

1. This case arose on the final report filed by Sub Inspector of Police, Haripad Police Station in Crime No. 1095/2023 of his Police Station. The offences alleged are punishable u/ss. 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860.
2. The case of the prosecution is the following: On 25.12.2023 at 9:30 PM, at the compound of Vairasseri madam situated at Haripad Village, due to previous enmity, the accused nos 1 and 2 in furtherance of their common intention to commit offence abused the defacto complainant and voluntarily caused hurt to the defacto complainant by slapping on his head. The accused committed mischief by causing loss of Rs.920/- and Id card from the shirt of the defacto complainant. Thereby the accused had committed the above said offences.
3. Cognizance was taken for the offences u/ss. 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860 and processes were issued to the accused. Accused

entered appearance. They were granted bail and defended by a counsel of their own choice. The accused were served with copies of all the relevant prosecution records and the same were acknowledged to be in order in due compliance of Sec.207 Cr.P.C. Particulars of offence under sections 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860 was read over and explained to accused. Accused pleaded not guilty of the said charges and claimed to be tried.

4. From the side of prosecution PW1 was examined and Ext. P1. FIS was marked. As there were no incriminating circumstances in the evidence, examination of the accused U/s.313(1)(b) Cr.P.C was dispensed with. No evidence adduced from the side of defence.
5. Heard both sides.
6. The points that arise for determination are as follows:-
 1. Whether the accused in furtherance of their common intention uttered obscene words to defacto complainant and thereby committed offence punishable U/s. 294 (b) r/w 34 of IPC?
 2. Whether the accused in furtherance of their common intention wrongfully restrained defacto complainant and thereby committed offence punishable U/s. 341 r/w 34 of IPC ?
 3. Whether the accused in furtherance of their common intention voluntarily caused hurt to defacto complainant and thereby committed offence punishable U/s. 323 r/w 34 of IPC ?
 4. Whether the accused in furtherance of their common intention committed mischief and thereby committed offence punishable U/s. 427 r/w 34 of IPC ?

5.What is the punishment if any to be awarded?

7. **Point Nos. 1 to 4** :- For the sake of convenience these points are dealt with together. A perusal of the final report shows that the prosecution is relying on direct evidence of PW1 to prove the case. PW1 is the injured. PW1 admitted his signature in Ext. P1 F I Statement. He deposed he could not identify the names of the accused persons and the matter is settled. The entire prosecution case is built on direct evidence, as evident from the final report. Since the injured turned hostile, even if the other witnesses appeared and gave evidence, no purpose will be served as the prosecution cannot bring out any version other than presented by the witnesses already testified. Learned Assistant Public Prosecutor has therefore given up all the other witnesses. The prosecution had not adduced any evidence to bring home the guilt of the accused and therefore, this points are answered accordingly against the prosecution.

8. **Point No.5**:- In view of my findings, the accused nos 1 and 2 are found not guilty of the offences punishable u/Ss. 294(b), 323 and 427 r/w 34 of Indian Penal Code, 1860. The accused nos 1 and 2 are therefore acquitted u/s. 255(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

[Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 16th day of March 2026]

Sd/-

Judicial First Class Magistrate-1

Haripad

APPENDIX

I. List of Prosecution/Defence/Court Witnesses

A. Prosecution witnesses

PW1	Vishnu	FI statement witness
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B. Defence witnesses: Nil

C. Court witnesses : Nil

II. List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

1	Ext.P1/PW1	FI statement
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B. Defence Exhibits : Nil

C. Court Exhibits: Nil

D. Material objects: Nil

Judicial Magistrate of First Class-1
Haripad