

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-1
HARIPAD**

Present: Smt. Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 22nd day of April 2026

CALENDAR CASE. No. 596/2024

Complainant	:	State represented by the Sub Inspector of Police, Veeyapuram Police Station in Crime No. 219/2024 <i>(By Priya Rachel Abraham, APP Senior Grade, Haripad)</i>
Accused	:	Harikumar <i>(By Advocate Sri. B.Sivaprasad)</i>
Charge	:	Offences punishable U/Ss. 447, 323 and 341 of Indian Penal Code, 1860
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused is found not guilty of offences punishable U/ss. 447, 323 and 341 of Indian Penal Code, 1860 and he is acquitted u/s.255(1)Cr.PC.

Description of accused:-

Sl. No.	Name of Police Station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Age
1	Veeyapuram Police Station in Crime No. 219/24	Harikumar	S/o Gopalakrishna Pillai		Tharayil veedu, Cheruthana south muri, Cheruthana Village	42/24

Date of

Occurrence	Complainant	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence of order	Service of copy of judgment or finding on accused	Expln. of delay
7.5.2024	24.6.2024	28.4.2025	28.4.2025	NA	9.05.2025	22.04.2026	22.04.2026	-	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, Veeyapuram Police Station in Crime No. 219/2024 of his Police Station. The offences alleged are punishable u/ss. 447, 323 and 341 of Indian Penal Code, 1860.
2. The case of the prosecution is the following: On 7.5.2024 at 10 PM, the accused criminally trespassed into the house of the defacto complainant situated at Cheruthana panchayath and abused him with obscene words. Thereafter the accused wrongfully restrained CW1 and voluntarily caused hurt to him. Thereby the accused had committed the above said offences.
3. Cognizance was taken for the offences u/ss. 294(b), 447, 323 and 341 of Indian Penal Code, 1860 and processes was issued to the accused. Accused entered appearance. He was granted bail and defended by a counsel of his own choice. The accused was 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 u/ss. 447, 323 and 341 of IPC 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 criminally trespassed into the house of the defacto complainant and thereby committed offence punishable U/s. 447 of the Indian Penal Code, 1860 as alleged by the prosecution?

2. Whether the accused wrongfully restrained the defacto complainant and thereby committed offence punishable U/s. 341 of the Indian Penal Code, 1860 as alleged by the prosecution?

3. Whether the accused voluntarily caused hurt to the defacto complainant and thereby committed offence punishable U/s. 323 of the Indian Penal Code, 1860 as alleged by the prosecution?

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

7. **Point Nos. 1 to 3** :- 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 admitted his signature in Ext. P1 F I Statement. He stated that the matter was settled and he do not want to proceed the case further. 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.4:- In view of my findings, the accused is found not guilty of the offences punishable u/Ss. 447, 323 and 341 of Indian Penal Code, 1860 . The accused is therefore acquitted u/s. 255(1) Cr.P.C. His bail bond stands cancelled and he is set at liberty.

[Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 22nd day of April 2026]

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APPENDIX

I. List of Prosecution/Defence/Court Witnesses

A.Prosecution witnesses

PW1	Thrivikraman	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

