

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

Present: Smt. Drisya Balakrishnan, Judicial First Class Magistrate

Dated this the 27th day of March 2026

CALENDAR CASE. No 1126/2024

Complainant	:	State represented by the Sub Inspector of Police, Kanakakunnu police Station in Crime No. 749/2024 <i>(By Priya Rachel Abraham APP Grade-I, Haripad)</i>
Accused	:	1.Rajesh 2.Pramod (By Advocate Amal Raj)
Charge	:	Offences punishable U/s . 308(2) r/w 3(5) of BNS
Plea	:	Not guilty
Finding	:	Not guilty
Sentence	:	Accused nos 1 and 2 are found not guilty of offences punishable under section 308(2) r/w 3(5) of BNS and they are acquitted u/s.271(1) of BNSS.

Description of accused:-

Sl. No.	Name of Police Station and the Crime No. of the offence	Name	Father's Name	Occupation	Residence	Age
1	Kanakakunnu PS in crime No. 749/2021	Rajesh	S/o Rajan		Kochandil veedu, Karuvattamkuzhi Muri, Keerikkad village	39
2	- do -	Pramod	S/o Sukumaran		J.S Bhavanam, (from Chaprayil kizhakkathil) Karuvattamkuzhi muri, Keerikkad Village	50

Date of

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Close of trial	Sentence or order	Expln. of delay
9.10 2024	3.12 2024	30.10 2024	30.10 2024	NA	7.10 2025	27.03 2026	27.03 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 the Sub Inspector of Police, Kanakakunnu Police Station in Crime No. 749/2021 of his Police Station. The offences alleged are punishable u/s. 308(2) r/w 3(5) of BNS.
2. The case of the prosecution is the following:- On 9.10.2024 at 4:30 PM, the accused nos1 and 2 in furtherance of the common intention to commit offence, by putting CW1 and 2 in fear and managed to obtain a sum of Rs.10,000/-. Thereby the accused had committed the above said offences.
3. Cognizance was taken for the offences u/ss. 308(2) r/w 3(5) of BNS 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 in due compliance of Sec. 230 BNSS. Heard accused and the Learned Assistant Public Prosecutor on charge. After hearing, Charges u/ss.

308(2) r/w 3(5) of BNS was framed, 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 was marked. As there were no incriminating circumstances in the evidence, examination of the accused U/s.351 (1)(b) BNSS 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 the common intention to commit offence committed extortion by putting CW1 and 2 in fear and thereby committed offence punishable U/s. 308(2) r/w 3 (5) of BNS as alleged by the prosecution ?

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

7. **Point No.1:-** A perusal of the final report shows that the prosecution is relying on direct evidence of PW1 to prove the case. No part of the prosecution case is based on circumstantial evidence. In order to prove its case prosecution examined PW1 and marked Ext.P1 F I Statement. PW1 admitted his signature in Ext. P1 F I Statement. PW1 deposed that the matter has been settled and filed compromise petition. PW2 and PW3 are occurrence witnesses and they deposed in tune with PW1 and denied the case of prosecution. 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.2:-** In view of my findings, the accused nos 1 and 2 are found not guilty of the offences punishable u/ss. 308(2) r/w 3 (5) of BNS. The accused are therefore acquitted u/s. 271(1) of Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS). Their bail bond stands cancelled and they are set at liberty.

(Dictated to the Confidential Asst., transcribed and typed by her, corrected and pronounced by me, in open court, on this the 27th day of March 2026)

sd/-

Judicial First Class Magistrate-1,
Haripad

APPENDIX

I. List of Prosecution/Defence/Court Witnesses

A.Prosecution witnesses

PW1	Rajendran	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 First Class Magistrate-1
Haripad

