

CALENDAR AND JUDGMENT

District of Alappuzha - Calendar of cases tried by the Judicial First Class Magistrate-II, Haripad

Date of							
Offence	Complaint	Apprehension	Release on bail	Commence ment of trial	Close of Trial	Sentence or Order	Explanation for delay
from 01.08.2014 to 10.01.2022	17.01.2022	26.12.2023 (A4) 08.01.2024 (A2) 04.09.2023 (A3) 13.10.2023(A1, A5)	26.12.2023 (A4) 08.01.2024 (A2) 04.09.2023 (A3) 13.10.2023 (A1, A5)	08.01.2024	29.05.2025	30.05.2025	Nil

Judgment in Calendar Case No.123/2022 on the file of the court of Judicial First Class Magistrate-II, Haripad

Complainant: State represented by Sub Inspector of Police, Karvelakulangara Police Station in crime No.62/2022.

Description of accused						
SL. No.	Name	Fathers/ Husbands name	Religion	Occupation	Residence	Age
1.	Sudheer	Basheer		-----	Puthenparackal Veedu, Ward No.2, Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	44/22
2.	Muneer	Muhammed Hameefa			Puthenparackal Colony, Ward No.2, Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	39/22
3.	Majeed	Muhammed Hameefa			Puthenparackal Colony, Ward No.2, Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	35/22
4.	Salim	Sainulabdeen			Varikolil Veedu, Ward No.7, Kumarapuram Panchayath, Thamallackal South Muri, Kumarapuram Village.	34/22
5.	Noushad	Abobakar			Sumayya Manzil, Ward No.2, Parakkad Panchayath, Karoor Muri, Parakkad Village.	45/22

Offence : U/s. 324, 447, 498A of Indian Penal Code and 31(1) of Protection of Women from Domestic Violence Act r/w. S.34 of IPC.
Plea : Not Guilty
Finding : Not Guilty
Sentence or Order : Accused is acquitted u/s. 248 (1) Cr.P.C.

Judicial First Class Magistrate-II
Haripad

DOCKET

From The Judicial First Class Magistrate-II, Haripad
To The Chief Judicial Magistrate, Alappuzha
The District Magistrate
Through the Sub divisional Magistrate.
(of.....)

Date of Receipt.....
Remarks of the District Magistrate.....
Date of Despatch)
" Receipt }20.....
Reply of theMagistrate
Date of Despatch)
" Receipt }20.....
Remarks of the Sub divisional Magistrate

Calendar Case No. 123/2022
Date of Judgment} 30-05-2026
„of Calendar } 04-06-2026
„ of Despatch } 04-06-2026



IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS-II,
HARIPAD

Present: **Smt. Maneesha K.Bhadran, Judicial Magistrate of First Class -II**

Dated this, the 30th day of May, 2026

CC 123/2022

Complainant : State represented by Sub Inspector of police,
Haripad in crime no.62/2022
(By Sri. Sivaprasad P.M., APP Grade-I,
Haripad)

Accused : 1. Sudheer (no more)
2. Muneer
3. Mujeeb
(By Adv. Rajendra Gopinath)
4. Salim
(By Adv. R. Rajesh)
5. Noushad
(By Adv. Rajendra Gopinath)

Offences : U/ss. 324, 447, 498A of Indian Penal
Code and 31(1) of Protection of Women from
Domestic Violence Act r/w. S.34 of IPC.

Plea : Not guilty

Finding : Not guilty

Sentence/Order : Third to fifth accused are found not guilty and
are acquitted u/s.248(1) of Cr.P.C for the
offences punishable u/ss.324, 447, 498A of
Indian Penal Code and 31(1) of Protection of
Women from Domestic Violence Act r/w. S.34
of IPC. Case against second accused is split
up and refiled as CC No.....

Description of accused

SL. No.	Name	Fathers/ Husbands name	Religion	Occupation	Residence	Age
1.	Sudheer	Basheer			Puthenpurackal Veedu, Ward No.2,	44/22



					Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	
2.	Muneer	Muhammed Haneefa			Puthenpurackal Colony, Ward No.2, Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	39/22
3.	Mujeeb	Muhammed Haneefa			Puthenpurackal Colony, Ward No.2, Karuvatta Panchayath, Karuvatta North Muri, Karuvatta Village.	35/22
4.	Salim	Sainulabdheen			Varikolil Veedu, Ward No.7, Kumarapuram Panchayath, Thamallackal South Muri, Kumarapuram Village.	34/22
5.	Noushad	Aboobakar			Sumayya Manzil, Ward No.2, Purakad Panchayath, Karoor Muri, Purakad Village.	45/22

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The case having been finally heard on 29.05.2025, the court on 30.05.2025 passed the following:

JUDGMENT

Accused are facing trial following the Final Report filed by the Sub Inspector of Police, Haripad Police Station in crime No.62/2022. The offences alleged against the accused are punishable u/ss. 324, 447, 498A of Indian Penal Code and 31(1) of Protection of Women from Domestic Violence Act r/w. S.34 of IPC.

2. ***The prosecution case in brief is as follows:*** The marriage between the first accused and CW1 was solemnized 13 years ago and in August 2014, while she was residing along with first accused at Puthenpurackal House, Karuvatta North Muri, Karuvatta, accused in furtherance of their common intention subjected her to physical and mental cruelties with a demand for more dowry. On 10.01.2022 at 11.00 p.m., first accused along with other accused voluntarily caused hurt to CW1 with a knife, causing injury to her left elbow and violated the protection order in CMP 1591/2021 in MC 84/2021 of JFCM-II, Haripad. Thus the accused committed offences punishable u/ss. 324, 447, 498A of Indian Penal Code and 31(1) of Protection of Women from Domestic Violence Act r/w. S.34 of IPC.

3. On appearance of the accused, copies of prosecution records were served and the accused were enlarged on bail. After hearing both sides charge for offences punishable in u/ss. 324, 447, 498A of Indian Penal Code and 31(1) of Protection of Women from Domestic Violence Act r/w.



S.34 of IPC was framed, read over and explained to the accused, to which they pleaded not guilty and claimed to be tried. Subsequently, first accused was reported to be no more and the case against him abated.

4. To prove the case of the prosecution, PW1 to PW4 were examined and Ext.P1 to P9 were marked. CW1 is reported to be no more. CW2, CW6 to CW10 were given up by the learned Assistant Public Prosecutor.

5. After closing the evidence for the prosecution, third to fifth accused were questioned u/s.313(1)(b) Cr.P.C for the purpose of enabling them to personally explain the circumstances brought against them in the evidence. They denied all the allegations levelled against them. No defence evidence was adduced.

6. Heard both sides.

7. On the above facts, the following points arise for consideration:

1. Whether the accused in furtherance of their common intention voluntarily caused hurt to CW1 with dangerous weapon and committed offence punishable u/s.324 of the Indian Penal Code as alleged by the prosecution?
2. Whether the accused in furtherance of their common intention committed criminal trespass and committed offence punishable u/s.447 of the Indian Penal Code as alleged by the prosecution?
3. Whether accused have committed cruelty to CW1 in furtherance of their common intention and committed offence u/s.498A of the Indian Penal Code as alleged by the prosecution?

4. Whether first accused being the husband of CW1 committed breach of protection order and committed offence u/s.31(1) of PWDV Act as alleged by the prosecution?
5. Whether the accused have committed the offence as alleged by the prosecution?
6. What is the punishment, if any, awardable to the accused?



8. **Point Nos.1 to 5** :- The defacto complainant is reported to be no more. PW1 to PW3 are cited as occurrence witnesses. PW4 is the investigating officer. PW1 failed to support the prosecution case and feigned ignorance as to the alleged incident. PW2 is the brother of CW1. He identified the signature of CW1 in Ext.P2 FIS. PW3 is the father of CW1. PW2 and PW3 failed to support the prosecution case and feigned ignorance as to the alleged incident. PW4 is the Investigating officer who registered Ext.P3 FIR, prepared Ext.P1 scene mahazer, produced Ext.P8 wound certificate of CW1 and Ext.P9 certified copy of protection order before court, conducted investigation and laid charge sheet against accused.

9. The static case of prosecution is that accused in furtherance of their common intention, voluntarily caused hurt to CW1 with dangerous weapon, committed cruelty and breach of protection order. As CW1 is no more and occurrence witnesses failed to support the prosecution case, there is absolutely no evidence on record to suggest that accused subjected CW1 to physical and mental cruelties with a demand for more dowry, voluntarily caused hurt and committed breach of protection order. Other than the interested testimony of PW4, the Investigating Officer, the evidence on



record is not sufficient to prove the guilt of the accused. Hence I find that evidence adduced by prosecution is not sufficient to prove the alleged charges against the accused. Points 1 to 5 are found against prosecution.

10. **Point No.6 :-** In view of the discussions and findings under the foregoing points, it is held that third to fifth accused are found not guilty of the offence alleged against them u/ss. 324, 447, 498A of Indian Penal Code and 31(1) of Protection of Women from Domestic Violence Act r/w. S.34 of IPC and they are acquitted thereunder. Hence this point is also found against the prosecution.

In the result, third to fifth accused are acquitted under Section 248(1) of the Code of Criminal Procedure in respect of the said offence. Their bail bonds are cancelled and they are set at liberty. Case against second accused is split up and refiled as CC No. 283/2022.

Dictated to Confidential Assistant typed by her, corrected and pronounced by me in open court this the 30th day of May, 2026.


Judicial First Class Magistrate-II, Haripad

APPENDIX

WITNESSES FOR THE PROSECUTION :

PW1 : Salim Sali
PW2 : Shajahan
PW3 : Muhammed Haneefa
PW4 : T. S. Sujith

EXHIBIT FOR THE PROSECUTION :

P1/PW2 : Scene Mahazer
P2/PW2 : FIS



P3/PW4 : FIR
P4/PW4 : Name and address report
P5/PW4 : Mahazer
P6/PW4 : Kychit
P7/PW4 : Ownership Certificate
P8/PW4 : Wound certificate
P9/PW4 : Certified copy of protection Order

WITNESS & EXHIBIT FOR THE DEFENCE: Nil

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Judicial First Class Magistrate-II, Haripad