

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE I
KAYAMKULAM**



Present:- Smt. Aiswaryarani, Judicial First Class Magistrate

Dated this the 21st day of January 2025

C. P. 4/2025

- Complainant : State represented by Deputy Superintendent of Police, Kayamkulam in Crime No. 124/24 of Kayamkulam Police Station.
(By Sri. Arun P, APP Gr. I, Kayamkulam)
- Accused : Sathyan, Aged 45/24, S/o Kesavan, Manjalathu Veedu, Puthuppally South Muri, Near Choonadu Kavvu, Devikulangara Panchayat Ward XI, Puthuppally Village, Karthikappally Taluk.
(By Adv. M R Salim)
- Offences : U/ss. 294(b), 341, 323 and 325 of Indian Penal Code, 1860.
- Order : Case against accused is committed to the Hon'ble Sessions Court, Alappuzha u/s. 232(a) of the Bharatiya Nagarik Suraksha Sanhita, 2023.

ORDER

The Final Report was filed against the accused by the Deputy Superintendent of Police, Kayamkulam alleging the commission of offences punishable under Sections 294(b), 341, 323 and 325 of Indian Penal Code, 1860.

2. The prosecution case, in brief, is as follows: Due to the enmity towards CW1 's house owner, on 20.12.2023 at about 05.30 PM near the pathway of Janaki Mandiram of one Mr. Sreekumar, the accused obstructed CW1 and uttered obscene words against him and kicked him down. Thereafter the accused caught hold of CW1's neck, turned his left leg and kicked him on his foot thereby causing fracture on his foot. Thus, the accused committed the offences alleged against

them.

3. Invoking the Final Report, this case was originally taken on file as CC 460/2024. Summons was issued to the accused pursuant to which the he appeared before the court. He was enlarged on bail. While the case was posted for hearing on charge, it was seen that in Final Report it is mentioned that SC 1517/2024 is the counter case of this case, the CW1 in this case is the accused in SC 1517/2024. The learned Assistant Public Prosecutor and the learned counsel for the accused have admitted the same. Since a case and counter is to be tried together the case was refiled as CP 4/2025 invoking Section 362 of the Bharathiya Nagarik Suraksha Sanhitha, 2023.

4. I have perused the entire prosecution records. It is seen that SC 1517/2024, is exclusively triable by the Hon'ble Court of Sessions are offence under Section 3(2)(va) in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is attracted. This case being a counter to that case ought to be tried by the Hon'ble Court of Sessions. Hence, the case is committed to the Hon'ble Court of Sessions, Alappuzha as contemplated under Section 232(a) of the Bharatiya Nagarik Suraksha Sanhita, 2023

5. The entire records and material objects, if any, shall be forwarded to the Hon'ble Court of Sessions forthwith as contemplated under Section 232(c) of the Bharatiya Nagarik Suraksha Sanhita, 2023. The accused shall appear before the Hon'ble Court of Sessions, Alappuzha as and when the Court directs.

6. Issue notice to the Public Prosecutor, Alappuzha regarding the committal of this case as contemplated under Section 232(d) of the Bharatiya Nagarik Suraksha Sanhita, 2023

(Dictated to the CA typed by her in the office computer pronounced by me in the open Court on the 21st day of January 2025).

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-I

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