

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

Present:- Smt. Aiswaryarani, Judicial First Class Magistrate
Dated this the 30th day of April, 2026.

CC. No. 296/2021

Complainant : State represented by Sub Inspector of Police, Vallikunnam Police Station in Crime No. 106/2021. (By Sri. Arun P, APP Sr. Grade, Kayamkulam)

Accused : A1 Praveen, Aged 19/21, S/o. Prabhakaran, Prnav Bhavanam, Kattanam Muri, Kattanam Village.
A2. Vishnu, Aged 21/21, S/o. Ajayakumar, Chinnu Bhavanam, Bharanickavu Thekku Muri, Kattanam Village. (By Adv. Sumesh S for A1 and Adv. Sarath S for A2)

Offences : U/s. 341, 294(b), 323 and 427 r/w s. 34 of Indian Penal Code, 1860.

Plea : Not guilty.

Finding : Not guilty.

Sentence or Order : Accused are found not guilty of the offences punishable u/s. 341, 294(b), 323 and 427 read with Section 34 of the Indian Penal Code, 1860 and they are acquitted of the said charges as provided u/s 255(1) of Cr.P.C.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of Police Station	Name of accused	Father's/ Hushand's Name	Occupation	Residence	Age
1	Vallikunnam	Praveen	Prabhakaran		Kattanam	19
2	Vallikunnam	Vishnu	Ajayakumar		Kattanam	21

DATE OF

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of Trial	Sentence or order
06.02.21	07.02.21	A2 01.12.23 A1 24.01.24	A2 01.02.21 A1 24.01.24	A2 22.01.24 A1 08.02.24	30.04.26	30.04.26

The case having been finally heard on 30.04.26 the court on the same delivered the following:-

J U D G M E N T

The Sub Inspector of Police, Vallikunnam Police Station, filed the charge sheet against the accused for the offences punishable under Section 341, 294(b), 323 and 427 read with Section 34 of Indian Penal Code, 1860.

2. Prosecution case , in brief, is as follows:- Due to previous enmity arising from the complainant's failure to repay a sum of Rs. 1,000 borrowed from the 1st accused, on 06.02.2021 at about 5:45 PM, the accused persons, in furtherance of their common intention, wrongfully restrained CW1 at the south-eastern side of the building of Leela Industries and Manufacturing Unit, situated on the Choonad Thazhava Mookku Road. At the time of the incident, the CW1 was riding a scooter, with the CW2, his friend, seated behind him. The accused intercepted and stopped the scooter. Thereafter, the 1st accused verbally abused CW1, struck on his head, and punched him on his nose, thereby causing pain and injuries. During the course of the assault, the spectacles worn by the first witness, valued at Rs. 3,500, were broken. Thus, the accused alleged to have committed the above mentioned offences.

3. On filing the Final Report, the case was taken on file and summons was issued to the accused pursuant to which they

appeared before the Court. They were enlarged on bail. Copies of the prosecution records were furnished to the accused persons. After hearing, particulars of offence under Sections 341, 294(b), 323 and 427 read with Section 34 of the Indian Penal Code, 1860 were read over and explained to the accused in Malayalam, by my predecessor, to which they pleaded not guilty and claimed to be tried.

4. From the side of the prosecution, PW1 was examined and no document was tendered in evidence and marked to prove the prosecution case. Though coercive steps were taken against CW1 and CW2 the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. The learned Assistant Public Prosecutor gave up CW4 to CW7 as their evidence would not improve the prosecution case.

5. After the prosecution witnesses were examined, since no circumstances appeared against the accused, the examination of accused under Section 313(1)(b) of the Code of Criminal Procedure, 1973 was dispensed with. The accused were called upon to enter his defence. No oral or documentary evidence was adduced from the side of the defence.

6. Heard both sides and analysed the records.

7. The following points arise for consideration:-

1. *Whether the accused persons, in furtherance of their common intention, wrongfully restrained CW1 on 06.02.2021 at about 5:45 PM*
2. *Whether the accused persons, in furtherance of their common intention, uttered obscene words at CW1 on 06.02.2021 at about 5:45 PM?*
3. *Whether the accused persons, in furtherance of their common intention, voluntarily caused hurt to CW1 on 06.02.2021 at about 5:45 PM?*

4. *Whether the accused persons, in furtherance of their common intention, committed mischief to PW1 on 06.02.2021 at about 5:45 PM?*

5. *What is the order or sentence if found guilty and convicted?*

8. **Point Nos. 1 to 4:** For the sake of convenience and brevity and to avoid repetition of facts, these points are considered together.

9. PW1, the author of Ext. P1 FI Statement deposed that PW1 deposed that he didn't know about the incident and had not given any statement to the police. Though coercive steps were taken against CW1 and CW2, the prosecution could not procure their presence. Hence, they were not examined to avoid undue hardship to the accused. In view of the testimony of PW1, the learned Assistant Public Prosecutor gave up the remaining witnesses CW4 and CW7 to CW12 as their evidence would not improve prosecution case.

11. The witness examined by the prosecution did not support the prosecution's version. Resultantly, the facts necessary to prove the actus reus of the accused are not brought forth. The ingredients to satisfy the offences in question are not proved.

12. Furthermore, it is seen that there is nothing on record to show either the involvement or complicity of the accused in the alleged crime. There is nothing on evidence to inculcate the accused. The involvement or the complicity of the accused in the alleged crime is also not proved. Therefore, the prosecution has not proved that accused committed the offences punishable under Sections 341, 294(b), 323 and 427 read with Section 34 of Indian Penal Code, 1860.

13. **Point No. 5:-** In the light of the findings in points 1 to 4, the accused are found not guilty of the offences punishable under

Sections 341, 294(b), 323 and 427 read with Section 34 of the Indian Penal Code, 1860.

14. In the result, the accused are hereby acquitted of the said offences under Section 248(1) of the Code of Criminal Procedure, 1973. They are set at liberty, and their sureties are discharged

(Dictated to the Confidential Assistant, typed by her in the office computer, corrected and pronounced by me in the open Court on 30th day of April, 2026).

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE - I

APPENDIX

WITNESSES EXAMINED FOR PROSECUTION:- Nil

Prosecution witness	Name of witness	Description
PW1	Raju	Occurance witness

EXHIBITS MARKED FOR PROSECUTION:- Nil

WITNESSES AND EXHIBITS FOR DEFENCE: - Nil

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE - I