

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

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

**C. P. 123/2025**

Complainant : State represented by the Sub Inspector of Police, Kayamkulam in Crime No. 765/21 of Kayamkulam Police Station. (By Sri. Arun P, APP Gr. I, Kayamkulam)

Accused : Shamon, Aged 30/21, S/o. Abdul Majeed, Pattaniparambil Tharayil Veedu, Kannampally Bhagom, Keerikkad Village.(OA1) ( By Adv. U Jabbar Kutty)

Offences : U/ss. 447, 323, 324 and 506 part 1 r/w s. 34 of the Indian Penal Code, 1860.

Order : Case against accused is committed to the Hon'ble Sessions Court, Alappuzha u/s. 209 of the Code of Criminal Procedure, 1973

**ORDER**

The Final Report was filed against the accused by the Sub Inspector of Police, Kayamkulam alleging the commission of offences punishable under Sections 447, 323, 324 and 506 part 1 read with Section 34 of the Indian Penal Code, 1860.

2. The prosecution case, in brief, is as follows: On 26.07.2021 at about 10.00 PM the accused along with another, in furtherance of their common intention, trespassed in to the front yard of Maruthanattu Kizhakkathil Veedu of CW1 and the original 1<sup>st</sup> accused hit CW2's shoulder and leg with a stick and thereby hurt him. The original 2<sup>nd</sup> accused hit CW2, causing pain, and threatened to kill CW2. Thus, the accused committed the offence alleged against him.

3. On filing the Final Report, the case was taken on file as CC 1219/2021 and summons was issued to the accused persons, pursuant to which they appeared before the Court. They were enlarged on bail. Copies of the prosecution records were furnished to them. After hearing

both sides and perusing the prosecution records, charge under Section 447, 323, 324 and 506 part 1 read with Section 34 of the Indian Penal Code, 1860 was read over and explained them in Malayalam, to which they pleaded not guilty and claimed to be tried, when the case proceeded for trial it was seen that CW1 who is also injured, is a minor. They are said to have been hit by the accused persons. Hence, this case involved an offence against children. Therefore according to Section 25 of Commission for Protection of Child Rights Act, 2005 the case ought to be tried by the Hon'ble Children's Court. Hence the case is refiled as CP 122/2025 invoking Section 323 of the Code of Criminal Procedure, 1973 and the case against the original 2<sup>nd</sup> accused was committed. The case against the original 1<sup>st</sup> accused, that is, the accused herein was split up and refiled as CP 123/2025. The accused surrendered before the Court on 24.04.26. He was enlarged on bail. Copies of the prosecution records were furnished to him.

4. I have perused the entire prosecution records. The offences alleged to have been committed by the accused are exclusively triable by the Hon'ble Court of Sessions. Hence, the case against the<sup>t</sup> accused are committed to the Hon'ble Court of Sessions, Alappuzha as contemplated under Section 209(a) of the Code of Criminal Procedure, 1973.

5. The entire records and material objects, if any, shall be forwarded to the Hon'ble Court of Sessions forthwith as contemplated under Section 209(c) of the Code of Criminal Procedure, 1973. 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 209(d) of the Code of Criminal Procedure, 1973.

*(Dictated to the CA typed by her in the office computer pronounced by me in the open Court on the 30<sup>th</sup> day of April 2026).*

Sd/-

**JUDICIAL FIRST CLASS MAGISTRATE -I**

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