

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE, RAMANKARY
 Present:-Sri. Arun Kumar P, Judicial First Class Magistrate
 Dated, this the 28th day of March, 2026.

C.C.No. 510/2022

Complainant : State-represented by the Sub Inspector
 of Police, Kainady Police Station in
 crime no.347/2022
 (By A P P- Ambalappuzha)

Accused : Suresh Babu @ Babu
 (By Adv.MM Appachankutty)

Offence : U/ss. 294 (b), 324, 323, 341, 427 of Indian
 Penal Code.

Plea : Not guilty

Finding : Not guilty.

Sentence or order : Accused is acquitted u/s 248(1) Cr.PC and is
 set at liberty.

DESCRIPTION OF THE ACCUSED:-

Sl. No	Accused	Father's name/Husband name	Occupation	Residence	Age
1	Suresh Babu @ Babu	Sreedharan		Thonnooril chira veedu, Neelamperoor Panchayath ward 1, Neelamperoor Village.	52/22

DATE OF:-

Offence	Complaint	Appearance	Release on bail.	Commence -ment of trial	Close of trial	Sentence or Order.
30.10.2022	02.11.2022	18-09-2023	18-09-2023	06-12-2023	27-03-2026	28-03-2026

This case coming on this day for consideration, the court on the same day delivered the following:

J U D G M E N T

This is a case charged by Sub Inspector of police, Kainady in crime no. 347/2022 against the accused alleging commission of offences punishable under sections 294 (b), 324, 323, 341, 427 of Indian Penal Code.

2. ***The prosecution case in brief as follows:-*** The accused having previous enmity towards the informant, as the informant- Subhash was working as a supplier at Neelamperoor Akkaanadi toddy shop, as he had demanded the amount for which the accused had consumed toddy, the accused with the intention to commit mischief and assault the informant - Subhash had on 30.10.2022 at about 03.30 p.m. at Neelamperoor Village, verbally uttered abusive words towards the informant and thereafter took a beer bottle and beat the informant over his abdomen and pulled him down and he sustained injury on his both knee and thereafter caught hold over the shirt of the informant and slapped on his mouth and committed mischief by destructing the table and counter and broken the glass in which toddy was filled and sustained a loss of ₹.15,000/- (Rupees fifteen thousand only). Thereby the accused is alleged to have committed offences punishable under Section 294 (b), 324, 323, 341, 427 of Indian Penal Code.

3. On submission of charge sheet by the investigating officer, cognizance was taken for the offence punishable u/s. 294 (b), 324, 323, 341, 427 of Indian Penal Code, 1860 against the accused and the case was taken on file as CC.510/2022. On issuance of summons the accused entered appearance and he was represented by a counsel. He was enlarged on bail. Copies of relevant records of prosecution case were furnished to him and thereby mandate u/s. 207 of Cr.PC was duly complied with. Accused was heard on charge. Charge framed for the offences punishable u/s. 294 (b), 324, 323, 341, 427 of Indian Penal Code, 1860 and it was read over to the accused to which he pleaded not guilty and claimed to be tried.

4. From the side of prosecution, four witnesses were examined as PW1 to PW4 and seven document were marked as Ext.P1 to Ext. P7 and Ext. P3 (a) Ext. MO1, Ext. MO2 and Ext. MO3 were also marked.

5. After the closure of prosecution evidence the accused was examined u/s.313(1)(b) Cr.Pc. for all incriminating circumstances appeared against him to which he denied and further submitted that he was falsely implicated in the case. No defence evidence.

6. Heard the learned Assistant Public Prosecutor and the learned counsel for the accused.

7. The points that arise for determination are:-

1. *Whether the first accused had uttered obscene words against CW1- Subhash to his annoyance at a public place and thereby committed offence punishable u/s 294(b) of Indian Penal Code?*
2. *Whether the second and third accused voluntarily caused hurt to CW1- Subhash and thereby committed offence punishable u/s 323 of IPC?*
3. *Whether the first accused voluntarily caused hurt to CW1- Subhash by using a beer bottle and thereby committed offence punishable u/s 324 of IPC?*
4. *Whether the 4th accused had wrongfully restrained CW1- Subhash and thereby committed offence punishable u/s.341 of Indian Penal Code, 1860?*
5. *Whether accused caused mischief to the Akkaanadi toddy shop and caused loss of Rs. 15,000/- and thereby committed offence punishable u/s. 427 IPC?*
6. *What is the order as to sentence, if any, to be passed against the accused?*

8. Point No.1 to 5 :- Inorder to avoid repetition, all these points are considered together. The learned counsel for the accused had argued that the prosecution failed to produce the Informant and the independent witnesses and the other independent witnesses turned hostile to the prosecution and apart from the medical evidence, there was no cogent and reliable evidence which shows that the accused was involved in the alleged offence. Hence, his evidence produced by the prosecution is not sufficient to bring home guilt of the accused. Hence, accused is to be acquitted for the offence alleged against him.

9. Per contra, the learned APP submitted that the prosecution had by the oral evidence and the medical evidence along with the documents and the material objects proved that the accused had assaulted the informant and hence the accused is to be convicted for the offence alleged against him.

10. Even though several chances were given to the prosecution to produce the informant and the coercive steps were issued, but the prosecution failed to procure the presence of CW1 and CW2.

11. PW1- Dr. Jobin Jose deposed in examination-in-chief that on 30.10.2022 at around 04.40 p.m. while he was working as Casualty Medical Officer at General Hospital Changanassery, he had examined Subash aged 49 years from Neelamperoor with alleged history of assault by a person at Akkanadi Toddy Shop, Neelamperoor at 03.45 p.m on 30.10.2022. He further deposed that thereafter CW1 was hit with a bottle and he was kicked. On examination he had injuries such as abrasion on right arm, left forearm, upper limb, generalized body ache and abdominal pain. His vitals are normal. The injuries could be as alleged by the prosecution and they were fresh and he had issued Ext. P1 wound certificate.

12. During cross-examination, he deposed that he had not measured the size of the abrasion as it was negligible. He doesn't remember the length and breadth of the injuries and the colour of the abrasion was also not noted and the pain

complained of can be pretended. There was no sign of any internal injuries and the history of assault was stated to him by the patient. He further deposed that the abrasion can be caused by fall on a rough surface. Hence, from his evidence it is seen that even though he had noted abrasion on the body of the patient and the pain on the abdomen, but he opined that those injuries could be caused by fall on a rough surface and also the pain can be pretended. Hence, this evidence is not helpful to the prosecution.

13. PW2- Sajeev deposed in examination in chief that he had witnessed the preparation of Ext. P2 scene mahazar. But during cross-examination he deposed that he doesn't know the content of the same and such evidence is not helpful to prosecution.

14. PW3- Saji is an ocular witness. He turned hostile to the prosecution by deposing that he had not witnessed the alleged incident, nor he gave any statement before the police. Hence, his evidence is not helpful to prosecution.

15. PW4 Shibu deposed in examination-in-chief that on 02.11.2022 at around 05.30 p.m. while he was working as SI of police at Kainadi Police Station, CW1 had come to the police station and gave Ext. P3 First Information Statement and he had noted Ext. P3 (a) body note and he had abrasion on his hand and regarding that he had registered Ext. P4 First Information Report and thereafter went to the place of occurrence and prepared Ext. P2 scene mahazar and had

seized the broken glass pieces Ext. MO1 series and Ext. MO2 series and the wooden plank which was broken was also seized as Ext. MO3 and it was sent to court as per Ext. P6 form and thereafter submitted report showing the address and details of the accused and thereafter submitted charge sheet before court.

16. During cross examination he was put a question that CW1- Subhash had not given any statement incriminating the accused to which he denied the same. Hence, from his evidence it is seen that even though a crime was registered and he had seized the material objects, but that alone will not incriminate the accused for the offence alleged against him. The medical evidence alone is not sufficient to bring home the guilt of the accused. Hence, his evidence will not assist the prosecution.

17. From the oral evidence of PW1- doctor, it is only seen that CW1- Subhash sustained injury on his both hands. But by whom those injuries could be caused is not arisen from his evidence. Apart from the statement given to the doctor by CW1, nothing was brought before court to show that CW1 was assaulted and mischief was committed by the accused. No independent witness was examined who could depose before court that they had witnessed the alleged incident and also the mischief committed the amount of ₹ 15,000/- . How they quantified the said amount was also not proved. All these cast doubt in the version of PW4- S Shibui, the Investigating Officer and also the medical evidence alone is not

sufficient to bring home guilt of the accused. So the prosecution miserably failed in establishing the offences alleged against the accused. Hence, those cannot be attributed towards the accused and the accused is entitled to get the benefit of reasonable doubt. Hence, these points are found against the prosecution.

18. **Point No.6:-**From point no.1 to 5, it is found that the accused had not committed the offences alleged against him and hence he is not found guilty of offence punishable u/s. 294 (b), 324, 323, 341, 427 of Indian Penal Code, 1860 alleged against him. Hence, the accused is acquitted for the aforesaid offence u/s.248(1) of Cr.PC. The bail bond of accused was cancelled and he was set at liberty

19. Property produced in this case will be disposed of after the expiry of period of appeal if no appeal is preferred and if appeal is preferred after the conclusion of appeal.

Dictated to the Confidential Assistant transcribed by her, corrected and pronounced by me in open court on this the 28th day of March, 2026.

sd/-

Judicial first Class Magistrate

APPENDIX

Rank	WITNESSES FOR PROSECUTION:-	Whether Eye witness, Police witness, Expert witness, Medical witness,
PW1	Dr. Jobin Jose	Medical witness
PW2	Sajeev @ Biju	Eye witness
PW3	Saji	Eye witness
PW4	Shibu S	Police witness

EXHIBITS FOR PROSECUTION:-

- P1. Wound certificate dated 30.10.2022 proved through PW1 on 11.06.2025.
P2. Scene mahazer dated 03.11.2022 proved through PW2 on 11.06.2025.
P3. First Information Statement dated 02.11.2022 proved through PW4 on 28.07.2025.
P3(a) body note dated 02.11.2022 proved through PW4 on 28.07.2025.
P4. First Information Report dated 02.11.2022 proved through PW4 on 28.07.2025
P5. Property list dated 03.11.2022 proved through PW4 on 28.07.2025
P6. Bail bond dated 04.11.2022 proved through PW4 on 28.07.2025
P7. Address Report from Kainady police station proved through PW4 on 28.07.2025.

WITNESSES FOR DEFENCE:-Nil**EXHIBITS FOR DEFENCE:- Nil****MATERIAL OBJECT:- TR 349/2022**

- MO1. Glass pieces
MO2. Green colour glass piece
MO3. Broken Wooden piece

sd/-
Judicial First Class Magistrate