

**IN THE COURT OF THE JUDICIAL FIRST-CLASS MAGISTRATE – II,
KOZHIKODE**

Present: Sri. Rajmohan C.V., Judicial First-Class Magistrate – II, Kozhikode

Dated this the 11th day of February, 2026

C.P. No. 21/2025

(Crime No. 608/2018 of Feroke Police Station)

Complainant	State rep. by Sub Inspector of Police, Feroke PS. (Smt. Lekha K.V., APP Grade II)
Accused	Rekha Murali & Anr. (Rep. by Adv. Hijas T.T.)
Offences alleged	Sections 341 and 323 r/w. 34 of IPC and Section 92(b) of RPWD Act.

DESCRIPTION OF ACCUSED

Rank	Name	Age	Parent's/Spouse's name	Address
AI	Rekha Murali	31/2025	D/o. Murali	Kallidumbil House, Maniyankode, Kalppetta Post, Wayanad
A2	Shyna	54/2025	W/o. Murali	

<u>DATE OF</u>			
Occurrence	Complaint/ Information	Filing	Committal Order
08.12.2018	20.12.2018	16.12.2025	11.02.2026
Apprehension of accused			Release on bail
NIL			24.01.2026 (after renumbering as CP)

This case having been heard finally and coming on to this day's proceedings, this court passed the following:-

O R D E R

In the above numbered case, the Prosecution contends that: The incident occurred at 08:30 AM on 08.12.2018, at Vaidyarangadi in Ramanattukkara on the Ramanattukkara – Kondotty Public Road, in front of the shop named Arun Electricals and Repairing. At that time and place, the 2nd accused wrongfully restrained CW1 (Arun S/o. Unnikrishnan) and struck him on the cheek with her hand. The 1st accused then struck CW1 on his face. CW1 being a person suffering from intellectual disability, the accused have together committed the offences punishable under Section 341 and 323 of the IPC and Section 92(b) of the RPWD Act, 2016.

(2) This case had been initially taken on file by the then jurisdictional Court of the JFCM – V, Kozhikode as CC 672/2019 for the offences punishable under Sections 341 and 323 of the IPC. Subsequently, the case was made over to this Court and refiled and renumbered as CC 321/24 by Order of the Hon'ble Chief Judicial Magistrate, Kozhikode. The accused had appeared before this Court and after serving the copies of the prosecution records and hearing the accused, the particulars of the offences punishable under Sections 341 and 323 of the IPC had also been read over to the accused and they had pleaded not guilty and this Court had proceeded to hear the Prosecution. This Court had issued summons to witnesses including CW1 who entered appearance before this Court. After CW1 appeared, the learned Prosecutor submitted that further investigation in this case is necessary since the provision of the Right of Persons With Disabilities Act, 2016 ("RPWD Act") would also apply in this case. With the permission of the Court, the jurisdictional police conducted further investigation and a supplementary final report was filed contending that CW1 had permanent disability in the form of 50% moderate intellectual disability. Thus, the Prosecution further alleged the commission of the offence punishable under Section 92(b) of the RPWD Act.

(3) Upon filing of the supplementary report and hearing the counsel for the accused, this Court was also of the view that the act alleged may also fall under Section 92(a) or under 92(e) of the RPWD Act. Accordingly, the above case was refiled and renumbered as the above numbered CP.

(4) The accused appeared before this Court, and executed fresh bail bonds to appear before the Hon'ble Sessions Court. The counsel for the accused also submitted that all the copies of the Prosecution records have been received.

(5) Having heard both sides and considering the records available before this Court, it appears that this case ought to be committed to the Hon'ble Sessions Court, Kozhikode for trial in accordance with law. Under Section 84 of the RPWD Act, the State Government has notified Sessions Courts as Special Courts to try the offences under the Act for the purpose of speedy trials. Thus, this case being one that requires trial of an offence punishable under Section 92 of the RPWD Act, such trial ought to be held by the Special Court notified under the RPWD Act.

(6) In the result, the following orders are passed:

- i. Under S. 232(a) r/w. S. 362 of the BNSS, this case is committed to the Hon'ble Court of Sessions, Kozhikode;
- ii. Under S. 232(c) of the BNSS, the entire records of the case, documents and the properties are to be submitted to the Hon'ble Sessions Court;
- iii. Under S. 232(d) of the BNSS, the Public Prosecutor is to be notified of the committal of this case.

(Dictated to C.A. transcribed by him, corrected and pronounced by me in open court on this the 11th day of February, 2026)

Sd/-
Judicial First-Class Magistrate – II,
Kozhikode