

**IN THE COURT OF THE PRINCIPAL ASSISTANT SESSIONS JUDGE,
NORTH PARAVUR**

Present: Smt. Wincy Ann Peter Joseph, Prl. Asst. Sessions Judge.

Monday, the 08th day of June, 2026/ 18th Jyaishta, 1948

SESSIONS CASE NO:406/2021

(C.P. No.15/2020 of Judicial First Class Magistrate Court, Angamaly
in Crime No.1024/2020 of Angamaly Police Station)

Complainant :-

State of Kerala represented by the Sub Inspector of Police,
Angamaly Police Station.

By Adv. Deepa C., Additional Public Prosecutor,
N. Paravur.

Accused :-

Rinto, aged 25/20, S/o. Shaju, Mazhuvanchery House,
Vattaparambu Kara, Parakadavu Village.

By Adv. V.P. Santhosh Kumar

Law & Section of offence charged : U/s. 323, 326, 308 IPC

Plea of the accused : Not Guilty

Finding : Accused acquitted as per Section 232 of the Code of Criminal Procedure.

Sentence or Order : It is found that there is no evidence that the accused committed the offences under Sections 323, 326 and 308 of the Indian Penal Code against the de-facto complainant and hence, he is acquitted as per Section 232 of the Code of Criminal Procedure.

The bail bond executed by the accused stands cancelled and he is set at liberty forthwith. MO1 shall be disposed in accordance with law.

DESCRIPTION OF THE ACCUSED:

SI No.	Name	Father's Name	Occupation	Residence	Taluk	Age
1.	Rinto	Shaju	–	Mazhuvanchery House, Vattaparambu Kara, Parakadavu Village.	--	25/20

Name	Date of							
	Occurrence	Report of Complaint	Apprehension of accused	Release on bail	Commitment	Commencement of trial	Close of trail	Sentence or order
Rinto	12.07.2020	13.07.2020	15.07.2020	06.08.2020	31.03.2021	19.05.2026	02.06.2026	08.06.2026

This Sessions case has been finally heard on 08.06.2026 and the court on same day delivered the following:-

JUDGMENT

This case is instituted upon a final report filed by the Sub Inspector of Police, Angamaly Police Station in Crime No. 1024 of 2020.

2. The case of the prosecution is as follows:- Due to the animosity towards CW1 for not answering the question of the accused, the accused made an attempt to hit on the forehead of CW1 using a key. When he turned his head, it hit below his left eye and sustained fracture at Madhurappuram – Vattaparambu tarred road, Vattaparambu Kara in Parakkadavu Village on 12.07.2020 at 09.45 p.m. Therefore, the prosecution alleged that the accused committed the offences under Sections 323, 326 and 308 of the Indian Penal Code.

3. Originally, the final report was filed before the Judicial First Class Magistrate Court, Angamaly and the accused was released on bail. The Magistrate Court has committed the case to the Hon'ble Court of Session, Ernakulam as per Section 209 (a) of the Code of Criminal Procedure after furnishing the copies of prosecution records to him. Thereafter, the Hon'ble Court of Session has made over the case to this court for disposal.

4. After the consideration of the records of the case and the documents submitted therewith by the Investigation Officer and hearing the submissions of the accused persons and the prosecution, it was found that there is sufficient ground for proceeding against the accused for the offences under Sections 323, 326 and 308 of the Indian Penal Code. Hence, a charge for the offences under Sections 323, 326 and 308 of the Indian Penal Code was framed against the accused and it was read over and explained to him in Malayalam and he pleaded not guilty.

5. On the side of prosecution, PW1 to PW4 were examined and Exts. P1 to P13 were marked. PW4 has identified MO1 as property. After the stage of the evidence of prosecution, the accused was questioned as per Section 313 (1) (b) of the Code of Criminal Procedure for enabling him to explain any

circumstances appearing in the evidence against him. He denied those circumstances and pleaded innocence.

6. Heard the learned counsel for the accused as well as the learned Additional PP for prosecution.

7. The points that arose for determination are as follows :-

1. Whether the accused is entitled to get an order of acquittal as per the ground 'no evidence' envisaged in Section 232 of the Code of Criminal Procedure?

2. What is the Proper Order?

8. **Point No.1** :- The case was scheduled for trial and posted for the evidence of the prosecution. In this case, the defacto complainant was examined as PW1, but he turned hostile and does not support the prosecution's case. PW1 stated in his testimony that an incident was occurred on 2020 at about 09.45 p.m., at Vattaparambu Junction, while he was going to buy Alfaham. He sustained fracture on the skull under his left eye, injury on the right side of his face and swelling on his face by hitting. As there is low light, he could not identify the accused. Further, PW1 has deposed that he had been admitted at Little Flower Hospital, Angamaly. PW1 has given First Information Statement to the Police Officials. He admitted his signature in Ext.P1 First Information Statement. As he did not support the prosecution's

version, the learned Additional Public Prosecutor declared him as hostile witness. The occurrence witnesses in this case was examined before the Court as PW2 and PW3. They also turned hostile to the case of the prosecution by stating that they did not saw the incident. As the injured and the occurrence witnesses turned hostile to the case of the prosecution, the rest of the witnesses were given up by the learned Additional Public Prosecutor. There is no substantial evidence in support of the prosecution. Therefore, it is concluded that there is no ground to proceed further beyond the stage under Section 232 of the Code of Criminal Procedure.

9. The Investigating Officer, who has conducted the investigation of the case was examined as PW4. Ext.P3 FIR was marked through him. PW4 is the person who has prepared Ext.P4 Scene Mahazar. Exts.P5 to P13 were also marked through him. He has arrested the accused by preparing Exts.5 to P8 Arrest Memo, Custody Memo, Inspection Memo and Arrest Intimation Memo. He has identified MO1 key, which was produced before the Court by preparing Exts.P10 Property List. He has identified the accused, who was present in the Court during his examination.

10. Considering the afore discussed evidence of PW1 to PW3, it is found that there is no evidence that the accused committed the alleged offences

in this case. Therefore, the accused is entitled to get an order of acquittal as per the ground 'no evidence' as envisaged in Section 232 of the Code of Criminal Procedure. In short, Point No. 1 is found accordingly against the prosecution.

11. **Point No. 2**:- In the light of the finding in Point No. 1, it is found that there is no evidence that the accused committed the alleged offences against the defacto complainant and he is entitled to get an order of acquittal under Section 232 of the Code of Criminal Procedure.

Resultantly, it is found that there is no evidence that the accused committed the offences under Sections 323, 326 and 308 of the Indian Penal Code against the de-facto complainant and hence, he is acquitted as per Section 232 of the Code of Criminal Procedure.

The bail bond executed by the accused stands cancelled and he is set at liberty forthwith. MO1 shall be disposed in accordance with law.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and revised by me and pronounced in open court on this the 08th day of June, 2026.

Sd/-
Wincy Ann Peter Joseph,
Principal Asst. Sessions Judge.

Appendix:-Prosecution Exhibits:-

P1	13.07.2020	First Information Statement
P1(a)	13.07.2020	Relevant portion in First Information Statement
P1(b)	13.07.2020	Relevant portion in First Information Statement
P2	--	Statement of CW2
P3	13.07.2020	First Information Report
P4	13.07.2020	Mahazar
P5	15.07.2020	Arrest Memo
P6	15.07.2020	Custody Memo
P7	15.07.2020	Inspection Memo
P8	15.07.2020	Arrest Intimation
P9	08.08.2020	Seizure Mahazar
P10	08.08.2020	Property List
P11	13.07.2020	Address Report
P12	12.07.2020	Wound Certificate
P13	21.08.2020	Site Plan

Defence Exhibits:- Nil.Prosecution Witnesses:-

PW1	19.05.2026	Vivek Padmanaban
PW2	20.05.2026	Rahul
PW3	23.05.2026	Nikhil Chandran

PW4 02.06.2026 Ancy E.I.

Defence Witness :- Nil.

Material Objects:-

MO1 താക്കോൽ

Sd/-

Principal Assistant Sessions Judge

Typed by: Jagadeeswari M.V.
Comp. By: Beena T.B.

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