

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

Present: Smt. Revitha. K.G.
Judicial First Class Magistrate-I, Aluva

Dated this the 09th day of June, 2026

CC. No. 1220/2012

Complainant : State Represented by the Sub Inspector of Police, Aluva
East Police Station in Aluva East Police Station
Crime No. 731/2012
(By Assistant Public Prosecutor, JFCM-I, Aluva)

Accused : Noufal S/o Yousaf, Aged 27/2012
Thaikandathil House, Edathala Kara
Combara Bhagom, Kunjattukara Kara
Aluva East Village
(Rep. by Adv. M A Vinod)

Offence : Under Sections 323, 326 and 506 (ii) of the Indian Penal Code, 1860
Plea : Not guilty
Finding : Not guilty
Sentence or Order : Accused is acquitted under Section 248(1) of the Code of Criminal Procedure, 1973 for the offences punishable u/Ss. 323, 326 and 506 (ii) of the Indian Penal Code, 1860

DESCRIPTION OF THE ACCUSED

Name and Rank of the accused	Father's name	Age	Calling	Residence	Taluk
Noufal	Yousaf	27		Thaikandathil House	Aluva

DATE OF

Occurrence	Complaint	Apprehension or appearance	Release on bail	Commencement of trial
12.03.12	14.03.12	17.03.2012	03.04.2012	08.08.2018

Commence- ment of Evidence	Close of trial	Sentence or Order	Period of detention undergone during the investigation, inquiry or trial for the purpose of sec.428 of Cr.P.C.	Explanation for delay
21.05.2026	05.06.2026	09.06.2026	17.03.2012 to 03.04.2012	No Delay

This case having been finally heard on 05.06.2026 and on 09.06.2026 delivered the following:-

J U D G M E N T

This case is charged by the Sub Inspector of Police, Aluva East Police Station against the accused in crime No.731/2012 alleging the commission of the offences punishable under sections 323, 326 and 506 (ii) of the Indian Penal Code, 1860.

2. Prosecution case in brief is as follows:- At 11.45 am on 12.03.2012 at Kunjattukara Bhagom, the accused by showing iron rod threatened the informant and beat him with his hand. Thereafter the accused beat with the said iron rod on his right forefinger and caused fracture to his finger. Thereby the accused has committed the offences punishable under sections 323, 326 and 506(ii) of the Indian Penal Code, 1860.

3. Final report was filed before the court. Cognizance of the offences under sections 323, 326 and 506(i) of the Indian Penal Code, 1860 was taken and the case was taken on file as CC No. 1220/2012. Copies of the relevant prosecution records were furnished to the accused and after hearing both sides and perusing the records, charge was framed for the offences punishable under sections 323, 326 and 506(ii) of the Indian

Penal Code, 1860 and were read over and explained to the accused to which he pleaded not guilty and claimed to be tried. Thereupon, prosecution evidence was recorded.

4. As per the charge, there were altogether six witnesses for the prosecution. CW2 and CW3 were summoned and examined as PW1 and 2. CW1, the informant cum injured not present before the court. Steps executed against CW1. Notice to CW1 by registered post served. CW1 absent despite of sufficient opportunities given to him. Other witnesses were given up by the learned APP. PW1 and 2, the occurrence witnesses examined from the side of prosecution turned adverse to the prosecution case. The material witnesses turned adverse to the prosecution case and other witnesses were given up by the learned APP. Hence prosecution evidence was closed.

5. As there was no incriminating circumstances appearing in the prosecution evidence, questioning under section 313(1)(b) of the Code of Criminal Procedure, 1973 is not required in this case. No defence evidence adduced.

6. Heard both sides.

7. **Following points arise for consideration:-**

1. Whether the accused voluntarily caused hurt to CW1 as alleged by the prosecution?
2. Whether the accused voluntarily caused grievous hurt to CW1 using an iron rod which may be a dangerous weapon and caused him a fracture as alleged by the prosecution?
3. Whether the accused criminally intimidated CW1 as alleged by the prosecution?

4. What shall be the sentence or order?

8. **Point Nos.1 to 3:-** For the sake of convenience these points are considered together. PW1 and PW2, the occurrence witnesses stated that they did not see the incident.

9 Thus on an analysis of entire prosecution evidence, there is no evidence to connect the accused with the offences alleged. The material witnesses examined in this case did not support the prosecution case. No other evidence is adduced by the prosecution. As there is no evidence against the accused this court hold that prosecution has failed to establish the guilt against the accused person. Accordingly, these points are answered against the prosecution.

10. **Point No. 4:-** In view of the finding on Points Nos. 1 to 3, this court hold that the accused is not guilty of the offences punishable under sections 323, 326 and 506(ii) of the Indian Penal Code, 1860 and he is entitled to be acquitted of the said offences.

In the result, accused is found not guilty of offences punishable under sections 323, 326 and 506 (i) of the Indian Penal Code, 1860 and accordingly they are acquitted of the said offences under section 248 (1) of the Code of Criminal Procedure, 1973. The bail bond of the accused stands cancelled and he is set at liberty.

(Pronounced in open court, on this the 09th day of June, 2026)

Sd/-
Judicial First Class Magistrate-I
Aluva

APPENDIX

Witnesses examined for the Prosecution:-

PW1 : Abhilash (CW1)

PW2 : Rajan (CW2)

Exhibits marked for the Prosecution:- Nil

Witness examined for the defence :- Nil

Exhibits marked for the defence :-

Material Objects Marked:-Nil

Sd/-
Judicial First Class Magistrate-I
Aluva