

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

Present: Smt. Anju Cletus.,Judicial First Class Magistrate

Dated this, the 05th day of June, 2026/15th day of Jyeshtha, 1947

CALENDER CASE No. 1242/2019

Complainant : State of Kerala represented by the Sub Inspector of Police, Aluva West Police station (Crime No. 697/2011)

(By APP., JFCMC-II, Aluva)

Accused : Mangrics, Aged 36/11, S/o Xavier, Valath House, Thiruvallur Kara, Alangad Village.

(By Adv. S.V Samad)

Offence : u/ss. 323, 324 of the Indian Penal Code, 1860

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is acquitted u/s.248 (1) of Cr.PC.

DATE OF

Offence	Complaint	Apprehension	Release on bail	Commence of Trial	Close of Trial	Sentence or order
16.11.11	17.11.11	11.03.26	11.03.26	16.04.26	04.06.26	05.06.26

DESCRIPTION OF ACCUSED

Name of Accused	Age	Father's Name	Caste or religion	Calling	Residence	Taluk
Mangrics	36/11	Xavier		--	Valath House, Thiruvallur Kara, Alangad Village.	—

This case having been finally heard on 04.06.2026, the court today passed the following:

JUDGMENT

1. The accused is put on trial for the offences punishable u/ss.323, 324 of the Indian Penal Code, 1860 on the basis of the final report filed in Crime No. 697/2011 registered by the Sub Inspector of Police, Aluva West police station.
2. The substance of prosecution allegation is as follows: The accused, due to previous animosity towards CW2 and with the intention to cause bodily injury to him, on 16.11.11, from Alangad Kara, Alangad Village, slapped on his right cheek with his hand and beat on the different parts of his body with a hedge stick. Thereby the accused committed the offences alleged.
3. Upon filing the final report cognizance was taken for the offences punishable u/ss.323, 324 of the Indian Penal Code, 1860 and processes was issued against accused. The accused appeared before the court in response to the process and he was released on bail after furnishing the copies of the relevant case records. He was represented by a counsel of his own choice. After hearing both sides, charge under Sections 323, 324 of the Indian Penal Code, 1860 was framed, read over and explained to the accused to which he pleaded not guilty and claimed to be tried.
4. On the side of prosecution one witness was examined as PW1 and Ext.P1 was also marked. CW2 to CW8 were given up by the learned APP. As no incriminating circumstances were brought out in prosecution evidence against the accused, questioning of the accused under section 313(1)(b) of Cr.P.C was dispensed with.
5. Heard both sides.
6. Points arise for consideration are as follows:-
 1. Whether the accused person is guilty of the offences under sections 323, 324 of the Indian Penal Code, 1860 ?

2. If so, what is the sentence or order to be passed?

7. **Point No. 1** :PW1, deposed that he is the defacto complainant and the injured in this case. He was declared hostile to the prosecution. According to him, the matter was settled with the accused and he has no further complaints against the accused. Through him, the FIS was marked as Ext.P1.

8. As PW1 who is the injured was disloyal to the prosecution, examination of other witnesses were given up by the prosecution. As charges against the accused are not proved, I find that prosecution has failed to prove the accusations leveled against accused and the accused is liable to be acquitted of the offences charged. Accordingly, these points are found against the prosecution.

11. **Point No.2** :- In the result,

1. Accused is found not guilty of the offences punishable u/ss. 323, 324 of the Indian Penal Code, 1860 and he was acquitted of the offences u/s.248 (1) of Cr. PC and he is set at liberty. The property (Hedge stick) produced as T. No. 733/11 before the court being value less shall be destroyed after the period of appeal and if an appeal is preferred it shall be destroyed after the disposal of appeal.
2. The bail bonds executed by accused and sureties stand cancelled.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in the open court on the 05th day of June, 2026).

sd/-

Judicial First Class Magistrate-II
Aluva

APPENDIX:

A-Prosecution Witnesses

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witnesses

PW1	James (CW1)	Eye witness
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B-Defence Witness: NIL

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witnesses
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C-Court Witness: Nil

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witnesses
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Exhibits marked:

SL No	Exhibit No.	Date	Description
1.	Ext.P1	Dt: 17.11.11	FIS marked through PW1 on 03.06.26

B-Defene Exhibits:Nil

SL. No.	Exhibit No.	Date	Description
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C-Material Objects : Nil

SL.No	Material Objects	Description
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sd/-

Judicial First Class Magistrate -II, Aluva

//True copy//

Judicial First Class Magistrate -II, Aluva

CALENDAR AND JUDGMENT

(For use in cases where there is only one accused person)

District of Ernakulam calendar of Cases tried by Smt.Anju Cletus, Judicial Magistrate of I Class-II, Aluva

Date of							Explanatio n of delay and remarks
Offence	Complaint	Apprehen sion	Release on bail	Commence of Trial	Close of Trial	Sentence or order	
11.03.21	13.03.21	15.03.21	15.03.21	16.07.25	29.07.25	02.08.25	

Judgement in CC No. 446/21 on the file of the Magistrate of Judicial I Class-II, Aluva

Complainant: State represented by Sub Inspector of Police, Chengamanad P.S in Cr. No. 165/2021

DESCRIPTION OF ACCUSED

Name of Accused	Age	Father's Name	Caste or religion	Calling	Residence	Taluk
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Akbar	30/21	Asharaf	Islam	--	Madathiparambil house, Aduvassery South, Aduvassery P.O, Kunnukara Village.	—
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Offence: u/s. 323, 324 of the Indian Penal Code, 1860

Order: Accused is acquitted u/s. 248(1) of Cr.P.C.

Judicial I Class *Magistrate-II, Aluva*

DOCKET

Date of Receipt..... From

Remarks of the District The Judicial Magistrate of I Class-II, Aluva

Magistrate.....

To

Date of Despatch }
.....

” Receipt

The District Magistrate & Sessions
Judge, EKM

Through the Subdivisional Magistrate
(of CJM, Ernakulam)

Calender Case No. :CC No. 446/21

Date of Despatch }
.....
” Receipt

Date of Judgement :02.08.2025

” Despatch

” Calendar 05.08.2025

” Receipt

Remarks of the Subdivisional Magistrate

