

IN THE JUDICIAL FIRST-CLASS MAGISTRATE COURT, NEDUMKANDAM

Present: Sri. Karun Rajan, Judicial First-Class Magistrate, Nedumkandam

Tuesday, the 16th day of June, 2026 /26th day of Jyaishta, 1948

C.C 327/2019

Complainant : State represented by the Sub Inspector of Police,
Santhanpara Police Station, in Cr. No. 09/2019
(By Sri. Shinto K. Eapen, APP, Nedumkandam)

Accused : A1. Shibby M G, aged 38/19 S/o Gopi, Mankunnel house,
Thottikkanam bhagam, Santhanpara village.
A2. Shaji, aged 43/19 S/o Thankappan, Karikkanattu house,
Thottikkanam bhagam, Santhanpara village.
A3. Thirumman, aged 52/19 S/o Thothi, in Choormplackal
Lalu's rented house, Pallikunnu bhagam, Senapathy,
Santhanpara village.

(By Adv: Cherian P Mathews)

Offences : Punishable under Sections 341, 294(b), 324 r/w 34 of
the I.P.C.

Finding : Not guilty.

Sentence or order : Three accused faced the trial. The accused are found not
guilty of the offences punishable under sections 341,
294(b), 324 r/w 34 of the I.P.C. Accused are acquitted
under section 248(1) Cr.P.C.

Description of accused

SI NO	Name	Father's name/ Husband's name	Calling	Residence	Age
(1)	(2)	(3)	(4)	(5)	(6)
1	Shiby M G	Gopi	-	Thottikkanam	38/19
2	Shaji	Thankappan	-	Thottikkanam	43/19
3	Thirumman	Thothi	-	Senapathy	52/19

Date of

Occurrence	Complaint	Apprehension/ Appearance	Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial	Sentence or order	Service of copy of judgment or finding on accused	Period of detention for the purpose of S. 428 Cr.P. C.	Explanation of delay
03/01/2019	04/01/2019	30/05/2022	30/05/2022	-	07/07/2022	15/09/2022	12/06/2026	16/06/2026	-	-	No delay

This case having been finally heard on the 12th day of June, 2026 and this Court delivered the following today: -

J U D G M E N T

The accused stand charge-sheeted by the Sub Inspector of Police, Santhanpara Police Station, in Cr. No. 09/2019 for the alleged commission of offences punishable under Sections 341, 294(b), 324 r/w 34 of the I.P.C.

2. Prosecution case, in brief, is as follows: - On 03/01/2019 at about 04:30 p.m., at Pallikunnu kara, Santhanpara Village, in furtherance of their common intention, first accused wrongfully restrained PW1 and PW2. The first and second verbally abused them. The second accused voluntarily caused hurt to PW2. The third accused hit PW1 with a stick. Therefore, the accused are alleged to have committed offences punishable under Sections 341, 294(b), 324 r/w 34 of the IPC.

3. On the appearance of accused, they were served with copies of all the relevant prosecution records. After hearing the accused and perusal of the prosecution records, a charge was framed against the accused under sections 341, 294(b), 324 r/w 34 of IPC. The charge was read over and explained to all accused. All accused pleaded not guilty to the charge and claimed to be tried.

4. To prove the case, the prosecution examined PW1 to PW4 and marked Exhibit P1. There were no incriminating circumstances against the accused persons. Hence, their examinations under section 313(1)(b) Cr.P.C were dispensed with. No evidence was adduced from the defence side.

5. I heard both sides and perused the records.

6. The following points arise for consideration: -

1. Whether, in furtherance of their common intention, first and second accused uttered obscene words to the annoyance of PW1 and PW2 and thereby committed the offence punishable under Section 294(b) IPC, and A3 thereby committed the offence punishable under Section 294(b) read with 34 IPC, as alleged?

2. Whether, in furtherance of their common intention, first accused wrongfully restrained PW1 and PW2 and thereby committed the offence punishable under Section 341 IPC, and A2, A3 thereby committed the offence punishable under Section 341 read with 34 IPC, as alleged?
3. Whether, in furtherance of their common intention, the third accused hit the PW1 with a stick and thereby voluntarily caused hurt by dangerous means, constituting an offence punishable under Section 324 IPC, and A1, A2 thereby committed the offence punishable under Section 324 read with 34 IPC, as alleged?
4. Whether the accused are liable to be acquitted or convicted; and, if convicted, what sentence shall be imposed?

7. Points no.1 to 3: - PW1 and PW3 are the injured person in this case. PW1 gave Ext. P1 F.I.S. to the police. PW1 deposed that an incident occurred, causing injuries to her. However, she stated that she does not know who committed the act and further clarified that the accused did not cause any harm to her. PW2 denied the alleged incident and turned hostile to the prosecution. Prosecution case is that PW2 and PW4 witnessed the incident. But, during evidence they denied witnessing the alleged incident and turned hostile to the prosecution. In these circumstances, the learned APP decided to forgo the examination of the remaining witnesses. Consequently, there is no evidence to establish that the accused persons committed the offences alleged against them. Hence, points 1 to 3 are found against the prosecution.

8. Point No. 6: - In the light of my finding on the above points, the accused found not guilty of the offences alleged against them. Hence, the accused are acquitted under section 248(1) Cr.P.C for the offences punishable under Sections 341, 294(b), 324 r/w 34 of the Indian Penal Code. Their bail bonds stand cancelled and they are set at liberty forthwith. No property was produced in this case.

Dictated to the Confidential Assistant, transcribed and typed by him, corrected 6. by me and pronounced in open Court on this day, the 16th day of June, 2026.

Sd/-
Judicial First Class Magistrate, Nedumkandam

APPENDIX

A – Prosecution witnesses

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
PW1	Sali Johnson	Eye witness, dated 15/09/2022
PW2	Michile	Eye witness, dated 09/07/2024
PW3	Johnson	Eye witness, dated 19/11/2024
PW4	Saly	Eye witness, dated 10/06/2026

B- Defence witness

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

C- Court Witness

Rank	Name	Whether eye-witness, police witness, expert witness, medical witness, other witness
		Nil

List of Prosecution/Defence/Court Exhibits**A – Prosecution Exhibits**

Sl. No.	Ext. No.	Description
1.	Ext.P1/PW1	FIS, dated 04/01/2019

B- Defence Exhibits

Sl. No.	Ext. No.	Description
		Nil

C- Court Exhibits

Sl. No.	Ext. No.	Description
		Nil

D- Material Objects

Sl. No.	Material Objects	Description
		Nil

Sd/-
Judicial First Class Magistrate, Nedumkandam

Judgment in CC 327/2019

Dated : 16/06/2026