

CALENDAR STATEMENT

1	Serial Number	:	Sessions Case No.726/2024
2	Name of the Police Station and Crime No. of the Offence	:	Manjeshwar Police Station Crime No.1172/2023

DESCRIPTION OF THE ACCUSED

3	Name	:	A1. Sayyed Rameez Raza A2. Javed Ahammed A3. Muhammed Arif @ Appu
4	Aged		A1. 35/2023 A2. 38/2023 A3. 34/2023
5	Father's Name	:	A1. Sayyed Inayathulla A2. Sheik Abdul Kareem A3. Yousuf
6	Occupation	:	A1. Coolie A2. Coolie A3. Coolie
7	Residence	:	A1. Reshma Manzil, Darvesh Complex Uppala, Near Thahani School, Kodibayal, Uppala Village. A2. Thaj Manzil, Near Madeena Masjid, Majal, Uppala Village. A3. Thahira Manzil, Near Madeena Hidayath Nagar, Uppala Village.

DATE OF

- 8 Occurrence : 15.12.2024
- 9 Complaint : 09.02.2024
- 10 Apprehension or appearance : A1. 21.12.2023
A2. 21.12.2023
A3. 29.01.2024
- 11 Released on bail : A1. 22.01.2024
A2. 16.01.2024
A3. 29.01.2024
- 12 Commitment : 04.10.2024
- 13 Commencement of trial : 20.08.2025
- 13 Commencement of evidence : 04.06.2026
(a)
- 14 Close of trial : 04.06.2026
- 15 Sentence or order : 11.06.2026
- 16 Service of copy of the judgment or finding on accused : -
- 17 Explanation of delay : No delay
- 18 Period of detention undergone : --
during investigation, inquiry
or trial for the purpose of
section 428 Cr.PC.
- 19 Remarks : --

Sd/-

Addl. Sessions Court-II
Kasaragod
Dated :11.06.2026

**ADDITIONAL SESSIONS JUDGE-II,
KASARAGOD**

IN THE COURT OF SESSIONS, KASARAGOD DIVISION

Present: Sri.Ramu Ramesh Chandra Bhanu, Additional Sessions Judge-II,Kasaragod

Thursday, the 11th day of June,2026/21st Jyeshtha, 1948

SESSIONS CASE No. 726 OF 2024

(The Case against Accused are committed as per Order dated 04.10.2024 in C.P.No.19/2024 of the Judicial First Class Magistrate-II(Additional Munsiff), Kasaragod.

Complainant	:	State: Represented by: SHO., Manjeshwaram Police Station Crime No.1172/2023 By Sri. Chandramohan.G., Addl. Public Prosecutor-II, Kasaragod.
Accused	:	A1. Sayyed Rameez Raza, aged 35/2023, S/o.Sayyed Inayathulla, Reshma Manzil, Darvesh Complex Uppala, Near Thahani School, Kodibayal, Uppala Village. A2. Javed Ahammed, aged 38/2023, S/o.Sheik Abdul Kareem, Thaj Manzil, Near Madeena Masjid, Majal, Uppala Village. A3. Muhammed Arif @ Appu, aged 34/2023, S/o.Yousuf, Thahira Manzil, Near Madeena Hidayath Nagar, Uppala Village.
Defended by	:	Sri.Ajith.K., Advocate for all Accused
Offence	:	U/s. 341, 323, 324, and 308, r/w 34 of IPC
Plea of the accused	:	Not guilty.
Finding of the judge	:	Not guilty.
Sentence	:	Accused are acquitted U/s. 232 of Cr.P.C.

This case having been heard on the 04th day of June 2026, the court delivered the following:

JUDGMENT

This case is charge sheeted by the Sub Inspector of Police, Manjeshwar Police Station in Crime No.1172/2023 of that Police Station alleging commission of offence punishable under Sections 341, 323, 324 and 308 r/w 34 of the Indian Penal Code by the accused and his co-accused.

2. **The prosecution case, in brief, is that:-** On 05.12.2024 at 21.30 hours, on the Terrace of building bearing No.V/963 of Mangalpady Grama Panchayath by name 'Smart Tower', accused Nos.1 to 3 wrongfully restrained PW1 Sayed Muhammed Navas, in furtherance of their common intention of causing hurt to him and in attempting to commit culpable homicide of PW1. On the very same place and time, in course of the very same transaction, in furtherance of their common intention accused Nos.1 to 3 voluntarily caused hurt to PW1 by beating him with their hands and accused No.3, in furtherance of such common intention, caused hurt to PW1 on his head, lips and chin by stabbing him with a knife which is a deadly weapon. It is alleged that the accused No.3 thereby attempted to commit culpable homicide of PW1 by so stabbing him with the said knife in furtherance of his common intention with accused Nos.1 and 2.

3. After completion of investigation, final report was submitted before the Learned Judicial First Class Magistrate Court-II, Kasaragod (herein

after referred to as the committal court) on which the same was taken on file as C.P.No.19/2024 against three accused persons.

4. After furnishing to accused copies of all the relevant records relied on by the prosecution U/s.207 of the Cr.P.C, the case was committed by the Learned Trial Court to the Hon'ble Sessions Court, Kasaragod U/s.209 of the Cr.P.C vide Order dated 04.10.2024. The case was numbered as SC.726/2024 and made over to this court for disposal.

5. The accused persons who were on bail in this case. The accused Nos.1 to 3 were allowed to defend their case by engaging a Counsel of their choice.

6. On perusal of the records and on hearing the Learned Counsel appearing for the accused persons and the Learned Additional Public Prosecutor under Section 227 Cr.P.C, it is found that there are sufficient grounds to presume that the accused persons committed offence punishable under Sections 341, 323, 324 and 308 r/w 34 of the Indian Penal Code and hence charge was framed against them under the above Sections. When the charge was read over and explained to the accused persons, in Malayalam, they pleaded not guilty and claimed to be tried.

7. Thereafter, PW1 was examined and Exts.P1, P1(a) and P1(b) were marked on the side of the prosecution.

8. Since PW1 who is the injured never supported the prosecution case and since the presence of CW4 who partly witnessed the prosecution case was reported abroad and since his presence could not be procured despite repeated issuance of processes including NBW to procure his presence, I am satisfied that his presence cannot be procured without an amount of delay which, in the facts and circumstances of the case, I consider inordinate. Hence, I dispensed with the examination of CW4 and the remaining witnesses were given up by the Learned Additional Public Prosecutor.

9. As there is no incriminating evidence, the examination of the accused persons under Section 313(1)(b) of the Cr.P.C was dispensed with.

10. I heard both sides under Section 232 of the Cr.P.C.

11. **The Points that arise for consideration are;**

- 1) Did the accused persons wrongfully restrain PW1 and caused hurt to him beating him with hands on 05.02.2024, at 21.30 hours on the terrace of building bearing No.V/963 of Mangalpady Grama Panchayath by name 'Smart Tower' which is situated at Mulinja, in furtherance of their common intention of causing hurt to PW1 and in attempting to commit culpable homicide of PW1, as alleged ?
- 2) Did accused No.3, in furtherance of his common intention with accused Nos.1 and 2, cause hurt to PW1 and attempted to commit culpable homicide of PW1 by stabbing on his head, lips and chin with a knife which is deadly weapon on the very same day, place, time and in course of the very same transaction as alleged ?

- 3) Are the accused persons guilty of commission of offence punishable under Sections 341, 323, 324 and 308 r/w 34 of the Indian Penal Code ?
- 4) The sentence or order which is to be passed ?

12. **Point Nos.1 to 3:-** These Points are tried together for the sake of convenience.

13. PW1 is the injured. He deposed that the alleged incident took place in the year 2023 in front of a shop, selling watermelon in Uppala Town on a day, the exact date of which he is not able to recollect. He admitted his signature in Ext.P1 FIS. But he categorically deposed that no one had attacked him and that he was not hospitalised and that he never narrated the contents of Ext.P1 FIS to the police. He categorically denied accused Nos.1 to 3 having subjected him to the alleged offence. He was declared hostile to the prosecution.

14. The aforesaid evidence relied on by the prosecution is not sufficient to implicate the accused persons in the alleged crime. From the version of PW1 who is the only injured, there is nothing to connect the accused persons with the alleged crime. So, the only conclusion possible is that the prosecution failed to prove the case beyond the shadow of reasonable doubt and that the accused persons are entitled to get an order of acquittal. Hence, Point Nos.1 to 3 are found against the prosecution.

15. **Point No.4:- In the result,**

- 1) The accused Nos.1 to 3 are not found guilty of commission of offence punishable under Sections 341, 323, 324 and 308 r/w 34 of the Indian Penal Code and they are acquitted under Section 232 of the Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.
- 2) The Items shown in Property List, PR.No.2141/2023, being valueless shall be destroyed, after the expiry of appeal period.

(Dictated to the Confidential Assistant, Typed by her directly, corrected and pronounced by me in open court, this the 11th day of June, 2026).

Sd/-

**ADDITIONAL SESSIONS JUDGE-II,
KASARAGOD**

NPV/-

APPENDIX OF EVIDENCE**FORM 62****List of Prosecution/ Defence/Court Witnesses
(Rule 134 Criminal Rules of Practice, Kerala)****A. Prosecution Witness:**

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
PW1/CW1	Sayyed Muhammed Nawas	Injured

B. Defence Witness:

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
None		

C. Court Witness:

Rank	Name	Whether Eye witness, Police Witness, Expert Witness, Medical Witness, Other Witness.
None		

List of Prosecution/ Defence/ Court Exhibits**A. Prosecution Exhibits:**

Sl No	Exhibit Number	Date	Description
1	Exhibit P1/PW1	20.12.2023	First Information Statement
	Exhibit P1(a)/PW1	20.12.2023	Relevant Portion of First Information Statement
	Exhibit P1(b)/PW1	20.12.2023	Relevant Portion of First Information Statement

B. Defence Exhibits:-

Sl No	Exhibit Number	Date	Description
Nil			

C. Court Exhibits:

Sl No	Exhibit Number	Date	Description
Nil			

D. Material objects :

Sl No	Material Objects	Description
Nil		

Sd/-
**ADDITIONAL SESSIONS JUDGE-II,
 KASARAGOD**

//True Copy//

Typed and Compared by : Jyothi.P

**IN THE COURT OF SESSION, KASARAGOD DIVISION
KASARAGOD
SESSIONS CASE No.726/2024
Judgment dated : 11.06.2026.**

To

The Registrar, High Court of Kerala, Ernakulam

The Supdt. of Police, Kasaragod

The Addl.Public Prosecutor-II, Kasaragod

The Judicial First Class Magistrate-II,Kasaragod

The District Collector, Kasaragod

The SHO Manjeshwar Police Station.