

TABULAR STATEMENT

1. Serial. No. : C.C.No. 816/2023

2. Name of Police Station : S.H.O, Hosdurg Police Station

Description of the accused :

3.Name	4.Father's/ Husband's Name	5.Occupatio n	6.Residence	7.Age
Aswin.M	Raju.K	-	Balla	19/'22
Arjun.K.P	Sudheesh.K.P	-	Balla	18/'22
8.	Offence	:	u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.	
9.	Complaint	:	21.11.2022	
10.	Appearance	:	A1: 22.11.2022, A2: 28.11.2022	
11.	Release on bail	:	A1: 22.11.2022, A2: 28.11.2022	
12.	Commitment	:		
13.	Commencement of trial	:	09.08.2024	
13(a)	Commencement of evidence	:		
14.	Close of trial	:	09.06.2026	
15.	Sentence or order	:	12.06.2026	
16.	Service of a copy of judgment or finding on the accused	:	12.06.2026	
17.	Period of Detention during inquiry and trial	:		
18.	Explanation for delay	:	No sitting	

Judicial First Class Magistrate I,
Hosdurg

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

Present: Sri. Abdul Rasik.C, Judicial First Class Magistrate-I, Hosdurg

Dated this the 12th day of June, 2026/ 22nd day of Jyaishta 1947

Case No. CC 816/2023

Complainant	:	S.H.O Hosdurg Police Station, in Crime No.1525/2022 (Represented by Sri. Midhun Das, APP, Gr.II)
Accused	1.	Aswin.M, Aged 19/'22, S/o Raju.K, Maikkanam House, Kalyan Road, Balla Village
	2.	Aarjun.K.P, Aged 18/'22, S/o Sudheesh.K.P, Sruthi House, Chemmattamvayal, Balla Village Represented by Adv. P.Latheesh, Hosdurg)
Offences	:	u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.
Plea	:	Not Guilty
Finding	:	Not Guilty
Sentence or order	:	The accused persons are acquitted u/s. 248(1) of Cr.P.C for the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.

J U D G M E N T

This is a case based on the final report submitted by Sub Inspector of Police, Hosdurg Police Station in Crime No. 1525/2022 against the accused persons alleging the commission of the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the Indian Penal Code (hereinafter the IPC).

2. **Brief facts as per the prosecution:-** On 20.11.2022, at around 23.00 hours, at Meladukkam in Balla Village, owing to previous animosity, the accused persons, in furtherance of their

common intention, trespassed into the veranda of the quarters wherein the informant was residing, wrongfully restrained him and voluntarily caused hurt to him by beating with hands and kicking and criminally intimidated to kill him. It is further alleged that the accused persons committed mischief of Rs. 850/- by damaging window glass. Thereby, the accused persons are alleged to have committed the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.

3. Having taken cognizance of aforementioned offences, the case was taken on file as CC 816/2023 and summons were issued to them. On appearance, they were represented by a counsel of their own choice and were enlarged on bail. The copies of relevant records relied upon by the prosecution were served to them. After hearing the prosecution and the accused and perusing the materials available before the Court, charge u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC was framed, read over and explained to the accused, to which they pleaded not guilty and claimed to be tried.

4. Fourteen witnesses were cited by the prosecution in the memorandum of evidence. Among them CW1 was examined as PW1. Since material witness did not support the prosecution,

remaining witnesses were rightly given up by the learned Assistant Public Prosecutor and prosecution evidence was closed. As no incriminating circumstance appeared against the accused persons, examination under Section 313(1)(b) Cr.P.C. was dispensed with. The accused persons were thereafter called upon to enter on their defence, but no evidence was adduced from their side.

5. Heard both sides. Perused the records.

6. On the facts, evidence and circumstance of this case, the following points arise for consideration:-

- 1) *Did the accused persons on 20.11.2022, at around 23.00 hours, at Meladukkam in Balla Village, in furtherance of their common intention, trespass into the house of PW1, having made preparation for causing hurt to him, so as to constitute an offence punishable u/s. 452 r/w 34 of the IPC?*
- 2) *Did the accused in the said incident, in furtherance of their common intention, commit mischief causing loss to the tune of ₹ 850/-, so as to constitute an offence punishable u/s 427 r/w 34 of the IPC?*
- 3) *Did the accused persons in the said incident, in furtherance of their common intention, wrongfully restrain PW1, so as to constitute an offence punishable u/s. 341 r/w 34 of the IPC?*
- 4) *Did the accused persons in the said incident, in furtherance of their common intention, voluntarily cause hurt to PW1, so as to constitute an offence punishable u/s. 323 r/w 34 of the IPC?*
- 5) *Did the accused in the said incident, in furtherance of their common intention, criminally intimidate PW1, as to constitute an offence punishable u/s. 506(i) r/w 34 of*

the IPC?

6) If convicted, what is the proper order as to sentence?

7. **Points No. 1 to 5** :- PW1 is the informant and the injured witness in the above case. He testified that the alleged incident happened and he lodged Exhibit P1, FIS. But he did not know the assailants as the incident was at night. He further deposed that the case was compromised. As the material witness did not support the prosecution, the remaining witnesses were given up by the prosecution. Furthermore, in the present case, it stands admitted that the matter has been settled amicably. In light of the above, this Court finds that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. The accused are, therefore, entitled to the benefit of doubt. Accordingly, these points are found against the prosecution.

8. **Point No. 6** :- Based on the findings of this Court on points No. 1 to 5, the accused persons are found not guilty of the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.

In the result,

1. The accused persons are acquitted u/s. 248(1) of Cr.P.C for the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.

2. The bail bond of the accused stands cancelled and he is set at liberty.

3. Properties produced as per PR No. 1535/2022, being valueless shall be destroyed after the expiry of appeal period.

(Dictated to the Confidential Assistant typed by her, corrected and pronounced by me in open Court, this the 12th day of June, 2026)

Judicial First Class Magistrate I,
Hosdurg

APPENDIX

Witnesses examined for prosecution :

<u>Prosecution Witness No.</u>	<u>Name of Witness</u>	<u>Description</u>
PW1	Bos Mathew (CW1)	Injured witness

Exhibits marked for the prosecution : Nil
Witnesses examined for the defence : Nil
Exhibits marked for the defence : Nil
MO's marked : Nil
MO's unmarked :

1.Piece of stone (PR No. 1535/2022)
 2.Piece of window glass
 3.Piece of tire bolt

Sd/-
 Judicial First Class Magistrate I,
 Hosdurg

//True copy//

Judicial First Class Magistrate I,
 Hosdurg

Form No.48 (CRP)
CALENDAR AND JUDGMENT
District of Kasaragod Calendar of Cases tried by the Judicial First Class Magistrate-I, Hosdurg

Date of							Explanation of delay and remarks
Offence	Report or complaint	Apprehension of accused	Release on bail	Commencement of trial	Close of trial	Sentence of order	
20.11.22	21.11.22	A1: 22.11.22 A2: 28.11.22	A1: 22.11.22 A2: 28.11.22	09.08.24	09.06.26	12.06.26	

Judgment in Calendar Case No. 816/2023 on the file of the Judicial First Class Magistrate-I of Hosdurg.

Complainant: State, S.H.O Hosdurg P.S. Crime. No. 1525/2022

Name of accused	Age	Father's/Husband's Name	Caste or religion	Calling	Residence
Aswin.M	19/'22	Raju.K	Hindu		Balla
Arjun.K.P	18/'22	Sudheesh.K.P	Hindu		Balla

Offence :	u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.	Judicial First Class Magistrate-I, Hosdurg
Finding :	Not Guilty.	
Sentence:	The accused persons are acquitted u/s. 248(1) of Cr.P.C for the offences punishable u/s. 452, 427, 341, 323, 506(i) r/w 34 of the IPC.	

DOCKET

Date of Receipt.....
Remarks of the Chief Judicial
Magistrate.....

Date of Despatch
" Receipt200.....
Reply of theMagistrate

Date of Despatch
" Receipt200.....

From

The Judicial First Class Magistrate-I,
Hosdurg.

To
The Hon'ble Chief Judicial Magistrate
Kasaragod.

Calendar Case No: CC 816/2023
Date of Judgment: 12.06.2026
Date of Despatch : 12.06.2026
Date of Calendar :

Judicial First Class Magistrate-I,
Hosdurg

Submitted: to the Hon'ble Chief Judicial Magistrate, Kasaragod