

**IN THE COURT OF JUDICIAL FIRST CLASS MAGISTRATE II ,
HOSDURG**

PRESENT:- SRI. FAYIZ.T
JUDICIAL FIRST CLASS MAGISTRATE II
HOSDURG

.....

On this the 12th day of June, 2026/ 22nd Jyaishta, 1948

CALENDER CASE.No.1512/23

Complainant	:	State represented by the Sub Inspector of Police, Chittarikkal Police Station. Cr. No.161/23 (By Smt.Anjela Santhakumar, APP, Hosdurg)
Accused	1	Rameshan V K, aged 42/23 years S/o Kannan V A, Veluthaparambath House, Kakkode, Ottapadavu, Bheemanadi Village.
	2	Ratheesh C, aged 38/23 years S/o Kannan V A, Veluthaparambath House, Kakkode, Ottapadavu, Bheemanadi Village.
	3	Janaki, aged 63/23 years W/o Kannan V A, Elattu House, Kakkode, Ottapadavu, Bheemanadi Village. (Rep. By learned Adv.P V Murugan, Hosdurg)
Offence	:	U/s.447, 341, 324, 506, 427 r/w of Indian Penal Code
Plea of accused	:	Not guilty
Finding	:	Not guilty
Sentence or order	:	Acquitted u/s.271(1) BNSS.

TABULAR STATEMENT

1. **Sl. No.** : **CC No.1512/23**
2. **Name of Police Station** : **SHO Chittarikkal Police Station**
Crime No.161/23

DESCRIPTION OF ACCUSED

3.Name	4.Father's / Husband's Name	5.Occupation	6.Residence	7.Age
1.Rameshan V K	S/o Kannan V A	-	Veluthaparam-bath House, Kakkode, Ottapadavu, Bheemanadi Village.	aged 42/23 years
2.Ratheesh C	S/o Kannan V A	-	Veluthaparam-bath House, Kakkode, Ottapadavu, Bheemanadi Village.	aged 38/23 years
3.Janaki	W/o Kannan V A	-	Elattu House, Kakkode, Ottapadavu, Bheemanadi, Village.	aged 63/23 years
8.Offence	21.04.2023			
9.Complaint	22.04.2023			
10.Appear-ance	02.03.2024			
11.Release on bail	02.03.2024			
12.Commitment	NA			
13.Com-mencement of trial	11.03.2025			

13(a).Commencement of evidence	09.06.2026
14.Close of trial	09.06.2026
15.Sentence or order	12.06.2026
16.Service of Copy of Judgment or finding on accused	12.06.2026
17.Period of Detention during inquiry and trial	Nil
18.Explanation for delay	No delay

J U D G M E N T

1. This case has been instituted on the police report filed by the Sub Inspector of Police, Chittarikkal Police Station, in Crime No.161/23, alleging commission of offences punishable under Sections 447, 341, 324, 506 and 427 read with Section 34 of the Indian Penal Code.

2. The prosecution case, in brief, is as follows: On 21.04.2023 at about 4.00 p.m., at Ottapadavu, Moukode, within Bheemanady Village, the accused, in furtherance of their common intention and with the intention of committing offences, criminally trespassed into the property managed by CW1. The accused wrongfully restrained CW1 and threatened to kill him. Thereafter, using a knife handed over by the third accused, the first accused inflicted a cut injury on the knee of CW1. The second accused struck CW1 on his head with a stick and caused injuries

to him. The accused also damaged the glass of Jeep bearing Registration No. KL-01-M-9883 belonging to CW1, causing a loss of ₹1,100/-. Thus, the accused committed the offences alleged.

3. Upon receipt of the final report, cognizance was taken of the offences alleged and the case was taken on file. On the appearance of the accused before the Court, copies of the prosecution records were furnished to them under Section 207 of the Code of Criminal Procedure. The accused were released on bail.

4. After considering the police report and hearing both sides, this Court found sufficient grounds for presuming that the accused had committed the offences alleged. Accordingly, a formal charge under Sections 447, 341, 324, 506 and 427 read with Section 34 of the Indian Penal Code was framed against the accused. The charge was read over and explained to them, to which they pleaded not guilty.

5. When the case was posted for evidence, CW1 was examined as PW1 and Ext.P1 was marked. Since no incriminating evidence was brought out against the accused, their examination under Section 351(1) (b) of the BNSS was dispensed with.

6. Heard the learned counsel for the accused and the learned Assistant Public Prosecutor.

7. The following points arise for consideration:

1. Whether the prosecution has proved that, on 21.04.2023 at about 4.00 p.m., the accused, in furtherance of their common intention, committed criminal trespass into the property managed by CW1 and thereby committed the offence punishable under Section 447 read with Section 34 of the Indian Penal Code?

2. Whether the prosecution has proved that, at the same time and place, the accused wrongfully restrained CW1 and thereby committed the offence punishable under Section 341 read with Section 34 of the Indian Penal Code?

3. Whether the prosecution has proved that, at the same time and place, the first accused, using a knife handed over by the third accused, inflicted a cut injury on the knee of CW1 and the second accused struck CW1 on his head with a stick, and thereby committed the offence punishable under Section 324 read with Section 34 of the Indian Penal Code?

4. Whether the prosecution has proved that, at the same time and place, the accused threatened CW1 with death and thereby committed the offence punishable under Section 506 read with Section 34 of the Indian Penal Code?

5. Whether the prosecution has proved that, at the same time and place, the accused committed mischief by damaging the glass of Jeep bearing Registration No. KL-01-M-9883 belonging to CW1 and thereby caused loss to him, and thereby committed the offence punishable under Section 427 read with Section 34 of the Indian Penal Code?

6. If so, what is the appropriate order?

8. **Point Nos.1 to 6:** These points being interconnected, they are considered together. PW1, the informant and the alleged victim, deposed that on 21.04.2023, an incident had occurred in which some persons trespassed into his property and assaulted him. He further stated that, in connection with the said incident, he had lodged Ext.P1 complaint before Chittarikkal Police Station. However, PW1 deposed that he did

not remember who had assaulted him and that he had lodged the complaint against the accused due to a misunderstanding. He further stated that the dispute had been settled amicably with the accused and that he had no subsisting grievance or complaint against them.

9. Since PW1 has not supported the prosecution case, the learned Assistant Public Prosecutor gave up the examination of the remaining witnesses. In the absence of any incriminating evidence against the accused, this Court finds that the prosecution has failed to establish the guilt of the accused beyond reasonable doubt.

10. In the result, the accused are found not guilty of the offences punishable under Sections 447, 341, 324, 506 and 427 read with Section 34 of Indian Penal Code, and they are acquitted under Section 271(1) of the BNSS. The bail bonds executed by the accused stand cancelled and they are set at liberty. The knife produced in this case shall be confiscated to the Government after the expiry of the period of appeal. The stick and broken glass piece produced in this case, being valueless, shall be destroyed after the expiry of the period of appeal.

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

Sd/-
JUDICIAL FIRST CLASS MAGISTRATE-II
HOSDURG

//True copy//

JUDICIAL FIRST CLASS MAGISTRATE-II
HOSDURG

APPENDIX

Witnesses examined for the Prosecution

Prosecution	: Name of Witness	Description
	Witness No.	
PW1	: Devasya(CW1)	Injured witness

Exhibits marked for the Prosecution

<u>Exhibit</u>	<u>:</u>	<u>Date</u>	<u>Description of the</u>	<u>Proved by/Attested by</u>
			<u>Exhibit</u>	
P1	:	9/6/26	FIS	PW1

Witnesses examined for the defence : Nil

Exhibits marked for the defence : Nil

Material Objects marked : Nil

Sd/-

JUDICIAL FIRST CLASS MAGISTRATE-II
HOSDURG

//True copy//

JUDICIAL FIRST CLASS MAGISTRATE-II
HOSDURG