

IN THE COURT OF SESSION, KOZHIKODE DIVISION
Present:- **Sri. N.R.Krishnakumar, Additional Sessions Judge -I**

Wednesday, the 8th day of April 2026.

Sessions Case No.320/2023

| | | |
|--|---|--|
| Name of the accused | : | Sarath M. C., S/o. Velayudhan |
| Charge | : | U/s. 324 & 307 of IPC. |
| Plea of the accused | : | Not Guilty. |
| Finding of the Judge | : | Not Guilty. |
| Sentence or Order | : | Accused is Acquitted u/s.232 Cr PC. |
| No. of Crime and name of Police Station. | : | Cr. No. 68/2022 of Atholi Police Station. |
| Prosecution conducted by | : | Adv. N. Shamsudheen Addl. Public Prosecutor, Kozhikode. |
| Accused defended by | : | Adv. Hemil Kumar |
| 1. Name of Police Station | : | Atholi Police Station. |
| 2. Crime No.of offence | : | Crime No. 168/2022 |

Description of the accused

| Sl. No | Name | Father's Name | Occupation | Residence | Age |
|--------|----------|---------------|------------|---|----------|
| | 3 | 4 | 5 | 6 | 7 |
| | Sarath | Velayudhan | - | Mayangichalil House, Kothankal, Atholi | 24/22 |

Date of

| | | | |
|-----|-----------------------|---|------------|
| 8. | Occurrence | : | 20.05.2022 |
| 9. | Complaint | : | 20.05.2022 |
| 10. | Apprehension | : | 20.05.2022 |
| 11. | Released on bail | : | 13.07.2022 |
| 12. | Commitment | : | 07.12.2022 |
| 13. | Commencement of trial | : | 19.07.2023 |

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|-----|--------------------------|---|------------|
| 14. | Commencement of Evidence | : | 02.06.2025 |
| 15 | Close of trial | : | 31.03.2026 |
| 16. | Judgment | : | 08.04.2026 |
| 17. | Sentence or order | : | 08.04.2026 |

17. Explanation of delay:-

The above case made over to this court for disposal by the Sessions Judge. Records received on 16.02.2023 and posted for Preliminary hearing to 09.06.2023. Charge framed on 19.07.2023 and evidence commenced on 31.03.2026 and Trial closed on 08.04.2026. Order was pronounced on 28.02.2026 and sentence passed on 08.04.2026.

18. : Period of Detention undergone during Investigation/ Enquiry/Trial: Nil

A. Prosecution Witness:

| Sl.No | Prosecution Witness No. | Names of Witness | Description |
|-------|-------------------------|------------------|---------------|
| 1 | PW1/CW2 | Chandran | Other witness |
| 2 | PW2/CW1 | Adarsh | Other witness |

A. Prosecution Exhibits: -

| Exhibits Number | Description of the Exhibit | Proved by /Attested by | Exhibits Number |
|-----------------|----------------------------|------------------------|-----------------|
| 1 | P1 | FIS | PW1 |

Defence Witness & Exhibits:-Nil

Court Witness & Exhibits:- Nil

Material Objects:-Nil

J U D G M E N T

The accused stands charge sheeted by SHO, Atholi in crime No.168/2022 alleging commission of offence punishable under

section 324, 307 IPC.

2. Case of of the prosecution which can be seen from the records in brief is as follows:- On 20-05-2022 at 2.15 hours, the accused due to previous grudge against CW1 and with an intention to commit murder of him, called him out of his house to Kothankal-Mayangichalil road and stabbed him on his abdomen with a knife. So, according to the prosecution, the accused has committed the above mentioned offences.

3. Soon after the incident, CW1 was taken to Malabar Medical College, Modakkalur and then to Govt. Medical College hospital Kozhikode. CW13 ASI went to hospital for recording the FI statement of CW1. But he could not record his statement as he was in ICU. So he recorded the statement of CW2, who is the father of CW1 and on the basis of that statement CW11 Sub Inspector registered crime 168/2022. Thereafter CW19 Inspector of Police, Atholi Police Station has carried out investigation and laid charge against the accused. During the course of investigation, the accused was arrested and produced before the committal court and the committal Magistrate remanded him to judicial custody. Subsequently he was released on bail as per the order of sessions court. The learned Magistrate before whom the final report filed, took the case on file as CP.23/22. When the accused appeared before the committal court, he was served with copies of all prosecution records as provided under section 207 Cr.PC. Then after completing all legal formalities, the learned Magistrate committed the case to Sessions court, Kozhikode under section 209 Cr.PC. The learned Sessions Judge after taking the case on file as SC.320/23, made it over to this court for trial and disposal.

4. When the accused appeared before this court, he was allowed to continue on the same bond. Then after affording an opportunity of being heard, charge under section 324 and 307 IPC

was framed and read over to accused, to which he pleaded not guilty.

5. Thereafter on the side of prosecution, PW1 and PW2 were examined and Exts.P1 were marked. Since they did not support the prosecution case and the matter is settled, the learned Public Prosecutor has given up the examination of the remaining witnesses.

6. Since there is no incriminating evidence against the accused, his examination under section 313 Cr.PC was dispensed with.

7. Heard the public prosecutor and counsel for the accused u/s 232 Cr.PC.

8. Now the points that arise for consideration are:-

1. Whether the accused voluntarily caused hurt to CW1 by stabbing with knife?
2. Whether the accused attempted to commit murder of CW1 by means of knife?
3. What is the sentence or order?

9. **Point No.1 and 2 :-** As mentioned above, on the side of prosecution, PW1 and PW2 were examined. PW1 Chandran is the father of CW1. He would depose before the court that in the night on 20.5.22 one person came to his house and called his son. His son went out of the house with that person. Since his son did not return even after some time, he went out in search of him. At that time he found his son standing on the road with bleeding injury on his abdomen. Immediately he took his son to hospital. While he was in hospital police came there and recorded his Ext.P1 FI Statement. But he does not know the person with whom his son went out of the house. He denied having stated to the police that it was the accused

who called his son out of the house. He further denied the statement to the police that when he went out in search of his son he found the accused standing near his injured son with a sharp edged weapon. He was declared hostile to prosecution.

10. PW2 Adarsh is the injured. He also did not support the prosecution case. According to him on 20.05.2022 at about 2.15 hours in the night he went out of the house on getting phone call from his friend. When reached the road one person stabbed him on his abdomen. But he could not identify that person for want of light. Since he denied having stated to the police that it was the accused who called him out of the house and stabbed on his abdomen, he was declared hostile to prosecution. PW1 and PW2 further stated that the matter is settled and they have no more grievance against the accused.

11. As already mentioned above, the learned prosecutor has given up the examination of the remaining witnesses. So it is clear that there is no evidence to connect the accused with the incident. Considering the available materials on record, I am satisfied that even if the trial of the case is allowed to be proceeded with, no useful purpose will be served. Therefore, I am satisfied that this is a fit case to invoke section 232 Cr.PC to terminate the proceedings. Thus these points are found accordingly against the prosecution.

12. **Point No.3.**: In the result, the accused is found not guilty of offence punishable under section 324 and 307 IPC and he is acquitted under section 232 of Cr.PC. The bail bond executed by him stands cancelled and he is set at liberty. Issue direction to the FSL to return the knife, T shirt, Mundu, Bermuda sent for chemical analysis and on its production, the knife shall be confiscated to the

state. The remaining properties shall be destroyed being valueless after the expiry of appeal period.

(Dictated to the Confidential Assistant, transcribed by him, corrected and pronounced by me in open court, this, the 8th day of April, 2026)

Sd/-

ADDITIONAL SESSIONS JUDGE -I

Fair of Judgment in

SC 320/2023

Dated: 08.04.2026