

IN THE COURT OF SPECIAL JUDICIAL FIRST CLASS
MAGISTRATE, (MARAD CASES), KOZHIKODE

Present:-Sri. K S Akshay Mohan, Special Judicial First Class Magistrate.

(Marad Cases), Kozhikode

Dated this 22nd day of May, 2026

CC No. 31 of 2022

Complainant : State of Kerala Rep. By Sub Inspector of Police,
Feroke Police Station, Kozhikode.
in Crime No.102/2021
(By Smt.Ayswarya.K.G., APP. Grade II)

Accused Nos. : 1) Sathar, Aged 34/21,
S/o Moideen, Poolakkuzhiyil House,
Vaidyarangadi.
2) Ahammed Parhan, Aged 24/21
S/o Ummer,
Thazhath Veettil, Vaidyarangadi.
3) Shamsseer, Aged 38/21
S/o Beerankutty, Palliyalil House,
Vaidyarangadi.
4) Muhammed Shafi, Aged 34/21
S/o.Koyali, Nilambanagatt House,
Eikkarappati, Pulikkal, Malappuram.
5) Muhammed Abdul Sameer, Aged 30/21
S/o. Muhammedali, Maimoona Manzil,
Vaidyarangadi, Malappuram.
(By Adv. Stephy Joshi C)

Offence : Sections 447, 341, 323 r/w 34 of IPC.

Plea of Accused : Not guilty

Finding : Not guilty

Sentence or order : The accused are found not guilty and are
acquitted u/s 255(1) of CrPC for the offences
punishable under Sections 447, 341, 323 r/w 34
of IPC. Their bail bond stands cancelled. They
are set at liberty.

1	Name of Police Station & Cr.No.	Description of the accused				
		Name & Rank	Fathers Name	Occupation	Residence	Age
1	2	3	4	5	6	7
1	Feroke Police Station,	Sathar	Moideen	-	Poolakkuzhiyil House, Vaidyarangadi.	34/21
2	Kozhikode. Cr.No.102/2021	Ahammed Parhan	Ummer	-	Thazhath Veettil, Vaidyarangadi.	24/21
3		Shamsseer	Beerankutty	-	Palliyalil House, Vaidyarangadi.	38/21
4		Muhammed Shafi	Koyali	-	Nilambanagatt House Eikkarappati, Pulikkal, Malappuram.	34/21
5		Muhammed Abdul Sameer	Muhammed ali	-	Maimoona Manzil, Vaidyarangadi, Malappuram.	30/21

Date of:

Occurrence	Complaint	Apprehension/surrender	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	Explanation of delay	Period of detention undergone during investigation, inquiry or trial, for the purpose of Sec. 428 Cr.P.C.
8	9	10	11	12	13	14	15	16	17	18	19
24.01.21	20.03.21	A1) 08.08.23 A2) 14.11.23 A3) 08.08.23 A4)14.11.23 A5) 13.05.26	A1) 08.08.23 A2) 14.11.23 A3) 08.08.23 A4) 14.11.23 A5) 13.05.26	-	A1) 18.05.24 A2) 18.05.24 A3) 18.05.24 A4) 18.05.24 A5) 13.05.26	26.09.25	14.05.26	22.05.26	Accused Nos. 1 & 3 are acquitted u/s 255(1) CrPC	No delay	Nil

This case having been heard finally on the 19th day of May 2026, this court on this the 22nd day of May 2026, passed the following:

J U D G M E N T

This case has arisen from a final report filed by the Sub Inspector of Police, Feroke Police Station, Kozhikode for the offence punishable under Sections 447, 341, 323 r/w 34 of the Indian Penal Code (hereinafter referred to as 'IPC' for brevity).

1. **The prosecution case in brief is as follows:-** On 24.01.2021 at 16:00 hrs, Accused Nos. 1 to 5 in furtherance of their common intention, criminally trespassed into the front courtyard of the house wherein PW1 and his family were residing. They wrongfully restrained CW4 and assaulted him by slapping on the ear and face. When PW1 intervened to prevent the assault, the accused kicked him on his thigh. Thus, the accused are alleged to have committed offences punishable under Sections 447, 341, 323 r/w 34 of IPC.
2. Initially cognizance was taken by Judicial First Class Magistrate-V, Kozhikode on 20.03.2021 for the offences punishable under sections 447, 341, 323 r/w 34 of IPC and summons were issued to the accused. As per order No.C15512/21 dated 26.08.2021 of Hon'ble Chief Judicial Magistrate, Kozhikode, the case was made over to this court.
3. On appearance of accused Nos. 1 to 4, copies of all prosecution records were furnished to them. After considering the police report and documents submitted along with that report, this court being satisfied that there were grounds to proceed against the said accused, particulars of offence under sections 447, 341, 323 r/w 34 of IPC were read over and explained to the accused Nos. 1 to 4 to which they pleaded not guilty and claimed to be tried. Accused No.5 entered appearance after examination of PW1. On appearance of accused No.5, copies of all prosecution records were furnished to him. After considering the police report and documents submitted along with that report, this court being satisfied that there were grounds to proceed against the said accused, particulars of offence under

sections 447, 341, 323 r/w 34 of IPC were read over and explained to the accused No.5 to which he pleaded not guilty and claimed to be tried. Accordingly, PW1 was recalled for further examination.

4. In order to prove the allegations, the prosecution examined PW1 and PW2. Ext P1 was marked. Since no incriminating circumstances appeared in prosecution evidence against the accused, their examination under section 313(1)(b) of the Code of Criminal Procedure Code (hereinafter referred to as 'CrPC' for the sake of brevity) was dispensed with. The accused have not adduced any evidence on their side.
5. Heard both sides and perused the records.
6. **On considering rival contentions and materials on record, the following points arose for consideration:-**
 - i. Whether the accused on 24.01.2021 at 16:00 Hrs in furtherance of their common intention trespassed into the front courtyard of the house of PW1 situated near Vaidyarangadi, Kozhikode ?
 - ii. Whether the accused on the aforementioned date, time and place, in furtherance of their common intention wrongfully restrained CW4?
 - iii. Whether the accused on the aforementioned date, time and place, in furtherance of their common intention voluntarily caused hurt to CW4 by beating him on his ear and face using hands and also voluntarily caused hurt to PW1 on his thigh by kicking him?
 - iv. What is the order or sentence?
7. **Point Nos. (i) to (iii):-** For the sake of brevity, convenience and to avoid repetition of facts these points are considered together.
8. PW1 was the defacto complainant in this case and she deposed that she cannot identify the persons who assaulted her. Thus she turned hostile to the

prosecution case. She deposed that she had given Ext P1 FIS to the police. When she was recalled as per order in CMP No.9 of 2026 she again deposed that she does not know who assaulted her.

9. PW2 was the son of PW1 and he deposed that PW1 had given complaint to police. However, he deposed that he does not know who assaulted them and thus turned hostile to the prosecution case.

10. It is to be noted that the defacto complainant and other occurrence witness turned hostile to the prosecution case and thus the examination of remaining witnesses were given up by the learned Assistant Public Prosecutor.

11. It is to be noted that upon considering the entire evidence adduced in this case, this court is of the finding that there is no evidence adduced from the side of prosecution to show that the accused committed the offences alleged against them. Hence, this court is of the finding that the prosecution could not prove that the accused committed the offences as alleged and they are found not guilty of the offences punishable under Sections 447, 341, 323 r/w 34 of IPC. Hence point nos. (i) to (iii) are answered against the prosecution.

12. **Point No. (iv)** - In the light of findings in point nos. (i) to (iii), the accused are found not guilty of the offences punishable under S. 447, 341, 323 r/w 34 of IPC

13. **In the result,**

i. The accused are found not guilty and are acquitted under Section 255(1) of CrPC for the offences punishable under Sections 447, 341, 323 r/w 34 of IPC.

ii. Their bail bond stands cancelled.

iii. They are set at liberty.

(Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in open court, on this the 22nd day of May, 2026)

**Special Judicial First Class Magistrate
(Marad Cases), Kozhikode**

APPENDIX

Witness examined for prosecution

Prosecution Witness No.	Name of Witness	Description
PW1/CW1	Prabha	Defacto Complainant
PW2/CW2	Prasad	Other Witness

Exhibits marked for Prosecution:

Exhibit No.	Description of the Exhibit	Proved by/Attested by
P1	First Information Statement	PW1

Material objects marked:

Material Object No.	Description of the exhibit	Proved by/Attested by
---NIL---		

Witness examined for defence :

Defence Witness No.	Name of Witness	Description
---NIL---		

Exhibits marked for Defence:

Exhibit No.	Description of the Exhibit	Proved by/Attested by
---NIL---		

**Special Judicial First Class Magistrate
(Marad Cases), Kozhikode**