

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE – I,
VATAKARA**

Present: Smt. Ali Fathima.N.S.
Judicial First Class Magistrate – I, Vatakara

Dated this the 10th day of June, 2026

C. C. 50/2022

Complainant	:	1.	State:/ Represented by the Sub Inspector of Police, Vatakara Police Station in Cr.No. 1225/21. (By Sri. Pramod T.M – APP., Gr.II)
Accused	:	1. 2.	Niyas, Aged 30/21, S/o Mammad Kunj, Viswalikkaravida (H), Muttungal West Post. Noufal A T, Aged 38/21, S/o Mammad Kunj, Aalantethazha (H), Muttungal West Post. (By Adv. K Lal Mohan)
Offences	:		U/Ss. 447, 427, 294(b) r/w 34 of IPC.
Plea	:		Not Guilty.
Finding	:		Not Guilty.
Sentence/order	:		Accused are acquitted U/S.255(1) of Cr.P.C.

Description of the accused

Sl No.	Name	Father's name	Calling	Residence	Taluk	Age
1.	Niyas	Mammad Kunj		Viswalikkaravida (H)	Vatakara	30/21
2.	Noufal A T	Mammad Kunj	...	Aalantethazha (H)	"	38/21

Dates of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence/Order	Explanation of delay
20.11.21	21.11.21	NA	NA	21.11.25	08.06.26	10.06.26	NA

The above case having come up for final hearing on 08.06.26 and this Court on 10.06.26 passed the following:-

JUDGMENT

The Accused was put on trial alleging commission of offences under Sections 447, 427, 294(b) r/w 34 of IPC in Crime No.1225/21 of Vatakara Police station.

2. **The allegations of the prosecution in brief is as follows:-** On 20.11.2021 at about 11:00 a.m., at the courtyard of the house bearing Building No. XIII/246 of Chorode Grama Panchayat, where CW1, 2 and 3 were residing together with the family of CW1's father, the accused persons in furtherance of their common intention, who are the maternal uncles of CW1's mother, owing to previous enmity arising out of a family dispute, criminally trespassed into the residential compound belonging to CW1's father and occupied by CW1 and his family. The accused cut the branches of trees and plants in the compound, thereby causing a loss of about Rs.200/-. They also abused CW1's mother by using obscene language. The above said acts of accused is punishable under Sections 447, 427, 294(b) r/w 34 of IPC.

3. After completing investigation, the final report was filed before this Court and cognizance of the above offences was taken by this Court. Pursuant to the warrant issued, the accused surrendered before the Court and enlarged on bail. They

were furnished with the copies of all relevant prosecution records. Thereafter, charge framed, read over and explained to them to which they pleaded not guilty and claimed to be tried.

4. Prosecution cited CW1 and 2 to prove their case and examined PW 1 and 2. The examination of remaining witnesses were given up by Learned APP and hence prosecution evidence closed. Examination of accused under Section 313(1)(b), Cr.P.C dispensed with as no incriminating circumstances appeared in evidence against them. No defence evidence adduced.

5. Heard both sides.

6. Now the points that arise for consideration are:

- 1) Did the accused in furtherance of their common intention, criminally trespassed into the courtyard of the house bearing Building No. XIII/246, where CW1, 2 and 3 were residing together, on 20.11.2021 at about 11:00 a.m and thereby committed offence punishable u/s. 447 r/w 34 IPC as alleged?
- 2) Did the accused in furtherance of their common intention, committed mischief and thereby caused loss to the amount of Rs.200/- to CW1, and thereby committed offence punishable u/s.427 r/w 34 of IPC as alleged?
- 3) Did the accused in furtherance of their common intention, used abusive words causing annoyance to the CW1's mother and thereby

committed offence punishable u/s. 294(b) r/w 34 of IPC as alleged?

4) If found guilty, what should be the order as to sentence?

7. Point Nos.1 to 4: For the sake of convenience and brevity, these points are considered together for discussions. The defacto complainant/informant in the case, CW1, was examined as PW1. She deposed that all matters pertaining to the case were amicably settled and has no grievance in the matter. The other injured in the incident, was examined as PW2. She was not loyal to the prosecution. She failed to identify the accused standing in the dock. Upon request, permission was granted to learned APP to put leading questions to her under Section 154, Evidence Act. She totally denied the suggestions put to her by learned Asst.Public Prosecutor based on her previous statements to Police. Though learned APP with permission examined PW1 and 2 further with leading questions, they stuck to their case. So, learned APP gave up the remaining witnesses.

8. Considering the available evidence on record, there is no incriminating material against the accused. The injured examined themselves did not have a case that accused is the person who assaulted them. Prosecution has no other material also connect accused with the alleged crime. From the above discussion, it is quite apparent that the prosecution has failed to bring home any evidence to link accused with the alleged offences in any manner. **Hence Point nos.1 to 3 are found against the prosecution.**

9. Point No.(4): In the light of my findings in point nos. (1) to (3) above, this point does not arise for consideration as the prosecution failed to prove the guilt of the accused beyond reasonable doubt and there is no question of awarding any sentence.

In the result, accused is found not guilty of the offences punishable u/ss. 447, 427, 294(b) r/w 34 of IPC and they are acquitted of those offences u/S.255(1) of Cr.P.C. Their bail bond stands cancelled and They are set at liberty.

Property produced in this case in PR.429/21 (A few dried leaves of a bamboo plant, a small piece of a sapling, a twig, and a wooden stick approximately 20 centimeters long.) shall be destroyed, being of no further value. The destruction shall takes place only after the expiry of the period of appeal or if an appeal has been filed, only after the disposal of the appeal.

(Dictated to the Confidential Assistant, transcribed and prepared in computer, corrected by me and pronounced in open Court on this the 10th day of June, 2026)

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APPENDIX

Witnesses examined for the prosecution

Prosecution Witness No.	Names of Witness	Description
1	Foumina, D/o. Ashraf	CW1
2	Shahina, D/o. Muhammad Kunji	CW2

Exhibits for prosecution

Exhibit No.	Description of the Exhibit	Proved by/Attested by
1	First Information Statement dated 21.11.21	PW1

Witness examined for the accused : Nil

Exhibits marked for the accused : Nil

MOs marked : Nil

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