

**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 26th day of May, 2026

C. C. 702/2023

Complainant	:	1.	State:/ Represented by the Sub Inspector of Police, Vatakara Police Station in Cr.No. 686/2023. (By Sri. Manojan.N, APP, Sr. Grade, Payyoli, Additional charge of this court)
Accused	:	1.	Athira.K.K, W/o. Rajaneesh, Aged.30/23, Vellakuzhichalil Parambath house, Mayyanoor post, Vatakara. (By Adv. Lalmohan)
Offences	:		U/Ss.341, 323, 324 of IPC.
Plea	:		Not Guilty
Finding	:		Not Guilty
Sentence/order	:		Accused is acquitted U/S.248(1), Cr.P.C.

Description of the accused

Sl No.	Name	Father's name	Calling	Residence	Taluk	Age
1.	Athira.K.K	W/o. Rajaneesh	...	VellakuzhichalilParambath(h)	Vatakara	30/23

Dates of

Occurrence	Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence /Order	Explanation of delay
09.07.23	17.7.23	22.03.24	22.03.24	12.07.24	26.05.26	26.05.26	

The above case having come up for final hearing on 26.05.26 and this Court on the same day passed the following:-

J U D G M E N T

The Accused was put on trial alleging commission of offences under Sections 341, 323, 324 of IPC in Crime No.686/23 of Vatakara Police station.

2.The allegations of the prosecution in brief are as follows:- On 09.07.2023 at 17.30 hours, the accused herein trespassed into the house compound of charge witness no.1 situated near Kurikkild Cooperative College, Villiyappally Panchayath, Memunda Village and thereafter abused Charge witness nos. 1 and 6 using obscene language. Furthermore, the accused voluntarily caused hurt to Charge Witness No.1 by beating her with hands and with a dangerous weapon, a concrete bar, resulting in injuries to her forehead. The above said acts of accused are punishable under Sections 341, 323, 324 of I.P.C.

3. On receipt of final report, this Court has taken cognizance of offences punishable under Section 341, 323, 324 of I.P.C. and issued summons to accused. On appearance accused accused was served with copies of the prosecution records as per the mandate of Section 207,Cr.P.C. On considering the records, hearing prosecution and accused, as there was ground for presuming that accused had committed the offences alleged, charge was framed for offences punishable under Sections 341, 323, 324 I.P.C, read over and explained to the accused to which she pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 and 2 were examined and Exhibit P1 marked. All other witnesses were given up by learned Assistant Public Prosecutor. After closing the evidence of prosecution, since there is no incriminating evidence against the accused, examination under Section 313(1)(b) of Cr.P.C was dispensed with. No evidence adduced from the side of accused.

5. Heard both sides.

6. The points that arise for consideration are :

- (i) Did the accused wrongfully restrained PW1 and PW2 and thereby committed the offence punishable u/s.341 of IPC as alleged?
- (ii) Did the accused with requisite intention, voluntarily caused hurt to PW1 with hands and thereby committed the offence punishable u/S.323 of IPC as alleged?
- (iii) Did the accused with requisite intention, voluntarily caused hurt to PW1 on her forehead by means of a dangerous weapon and thereby committed the offence punishable u/S.324 of IPC as alleged?
- (iv) If so, what is the order or sentence to be passed ?

7. **Point Nos. (i) to (iii) together:-** In order to avoid repetition, these points are considered together. PW1 is the de-facto complainant in the case. She admitted the occurrence of the incident and lodging of Ext.P1 FIS with the police. She deposed before court that, on 09.07.2023 at 5:30 PM, near the pathway of her house, a group of persons abused her and caused injuries on her head by means of hands and using stone. In the incident, she took treatment from Vatakara Govt. Hospital. However, she deposed that she could not identify the accused persons who attacked her and further

deposed that the person standing in the dock had not done anything. Upon request, permission was granted to learned APP to put leading questions to her under section 154, Evidence Act. She stated that she gave statement to Vatakara Police to the effect that accused assaulted her upon a misunderstanding. She deposed that she has amicably settled matters in the case and has no grievance in the matter. PW1 further stated that she is not deposing falsehood before Court in order to help the accused persons on the basis of the compromise arrived at. PW2 is the occurrence witness in the case. But he turned hostile to the prosecution case denied having witnessed the incident or having given such statement to the police. As the material witnesses turned hostile to the case of prosecution, the examination of remaining witnesses in the case were given up by the Learned Assistant Prosecutor.

8. It is pertinent to note that all the material witnesses, in their depositions before the Court, have unequivocally stated that the dispute between the parties has been amicably settled. This consistent position adopted by the witnesses clearly reflects the intention of the parties to not pursue the matter any further and to bring the present proceedings to an end. A conjoint evaluation of the available evidence in hand, it is not at all possible to conclude that the alleged injury sustained to PW1 in connection with the incident as alleged by the prosecution. None of the prosecution witnesses seen the alleged accident and none of the witnesses identified the identity of the accused before the court.

9. Due to the dearth of evidence regarding the identity of the accused as well as due to the want of direct proof regarding the intention of the accused to commit offence, it is not at all possible to render a finding to the effect that the accused herein have committed the substantive offences which are alleged against her. In such circumstances, this court is of the opinion that prosecution has miserably failed to prove its case against Accused. Hence, accused is entitled to an order of acquittal. Based on the evidence adduced, Point Nos. (i) to (iii) are decided against the prosecution.

10. **Point No. (iv):** In the light of the findings on Point Nos. (i) to (iii), Accused is found not guilty of the offences punishable under Sections 341, 323, 324 of IPC and she is acquitted of the charge under Section 248(1) Cr.P.C. Her bail bond stands cancelled and she is set at liberty.

The Property mentioned in PR No. 398/23 (concrete bar), 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, typed by her in computer, corrected and pronounced by me on this the 26th day of May, 2026)

sd/-
Judicial First Class Magistrate- I,
Vatakara

APPENDIX**Witnesses examined for the prosecution**

Prosecution Witness No.	Names of Witness	Description
1	Sibina, W/o. Shiju	Defacto Complainant
2 (CW6)	Shiju, S/o. Sreedharan	Occurrence witness

Exhibits for prosecution

Exhibit No.	Description of the Exhibit	Proved by/ Attested by
1	FIS dated 10.07.23	PW1

Witness examined for the accused : Nil

Exhibits marked for the accused : Nil

MOs marked : Nil

sd/-
Judicial First Class Magistrate - I
Vatakara

//True copy//

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