

IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, NADAPURAM.	
Present:- Smt.Amrutha Aravind Judicial First Class Magistrate-I, Nadapuram	
Dated, this the 31st day of March, 2026	
<u>C.C. No.760/2021</u>	
Complainant	: State, Rep.by the Sub Inspector of Police, Thottilpalam Police Station (Cr.No.444/2020) (Rep.By Sri.P.C.Jawad & Smt.Lekha.K.V) Assistant Public Prosecutor) v.
Accused	: 1. Sadiq, S/o.Ibrahim, aged 32/20, Kappumchalil(H), Chembanode(PO). 2.Siddique, S/o.Ibrahim, aged 30/20, Kappumchalil(H), Chembanode(PO) 3.Rumsad, S/o.Mammi, aged 34/20, Punnath Valappil(H), Pashukkadavu(PO). 4.Muhammed Anas, S/o.Hameed, aged 19/20, Thalayanchery(H), Pashukkadavu(PO). (Rep.By Advs.Sri.P.P.Musthafa &Smt.Reshna.M.P)
offences	: U/ss. 447, 341, 323, 324 and 506 para I r/w 34 of IPC.
Plea	: Not Guilty.
Finding	: Not guilty.
Sentence or Order	: Accused are acquitted U/s. 248 (1) of Cr. P.C.

DESCRIPTION OF ACCUSED

Sl. No.	Name	Father's Name	Occupation	Residence	age
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1	Sadiq	Ibrahim	Coolie	Chembanoda	32/20
2	Siddique	Ibrahim	Coolie	Chembanoda	30/20
3	Rumsad	Mammi	Coolie	Pashukadavu	34/20
4	Muhammed Anas	Hameed	Coolie	Pashukadavu	19/20

RELEVANT DATES

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order
24.11.20	01.01.21	28.11.20	A1- 28.03.23 A2 to A4- 16.08.24	18.09.24	27.03.26	31.03.26

J U D G M E N T

The accused are put on trial for the commission of offences punishable U/ss. 447, 341, 323, 324 and 506 para I r/w 34 of IPC.

2. The prosecution case in brief is as follows:- On 24.11.2020 at 21.00 hours, accused nos.1 to 4 trespassed into the courtyard of the house of CW1 at Centre mukku at Maruthonkara. Accused no.1 pushed CW1 and CW1 fell down on the ground. Accused nos.2 and 3 voluntarily caused hurt to CW1 by slapping on his face. Accused no.4 kicked on the abdomen of CW1. Accused no.1 hit on the back of CW1 with a stone. Accused no.3 beat on the back of CW1 with a wooden stick and criminally intimidated him by threatening him. The accused are thereby alleged to have committed the above-mentioned offences, in furtherance of their common intention.

3. On appearance of accused nos.1 to 4 before the court, they were released on bail. Copies of prosecution records were furnished to them U/s. 207 of Cr.P.C. After hearing both sides on framing of charge and on satisfaction of the existence of prima facie materials to frame charge against the accused, charges U/ss.447, 341, 323, 324 and 506 para I r/w 34 of IPC were framed against accused nos.1 to 4, read over and explained to them, to which they pleaded not guilty and claimed to be tried.

4. On the side of prosecution PW1 to PW4 were examined and Exts.P1 to P4 were marked. As no incriminating circumstances were brought out against the accused in prosecution evidence, examination of the accused U/s.313 (1) (b) of Cr.P.C was dispensed with. No defence evidence was adduced. I heard both sides.

5. The points which arose for consideration are:

- (i) Whether accused nos.1 to 4, in furtherance of their common intention trespassed into the house of CW1 ?
- (ii) Whether accused nos.1 to 4, in furtherance of their common intention wrongfully restrained CW1 ?
- (iii) Whether accused nos.1 to 4, in furtherance of their common intention voluntarily caused hurt to CW1, by pushing him , beating him with hands and also by kicking on his abdomen?
- (iv) Whether accused nos.1 to 4, in furtherance of their common intention voluntarily caused hurt to CW1, by hitting him with a stone and also by beating him with a wooden stick, which if used as weapons of offence, are likely to cause death?

- (v) Whether accused nos.1 to 4, in furtherance of their common intention, criminally intimidated CW1 by threatening him?
- (vi) Sentence or Orders?

6. **Point Nos. (i) to (v) :-** The prosecution case was based on Ext.P2 FIS given by CW1 to the police. Even after execution of steps u/s.82 Cr.P.C, against CW1, his presence could not be secured before the court for examination. CW3 is stated to be an occurrence witness. He is reported to no more and death certificate is also produced by the prosecution.

7.PW2 is stated to be an occurrence witness in this case. She is the wife of CW1. She deposed that CW1 was attacked in the alleged incident and she witnessed the incident. However, she is not able to identify the assailants at present. She further deposed that the accused had not attacked CW1.

8.PW1 is the doctor who examined CW1 and who issued Ext.P1 wound certificate. PW3 is the police officer who recorded Ext.P2 FIS and who registered Ext.P3 FIR on the basis of Ext.P2. PW4 is the investigating officer who conducted the first part of the investigation. He deposed as to the steps taken by him during the course of investigation.

9. CW1 , who is the injured witness in this case, is not available for examination before the court. The material witness examined (PW2, the wife of CW1) retracted from her earlier version and deposed against the prosecution case. Although the learned Assistant Public Prosecutor was permitted to ask questions

which might be put in cross examination by the adverse party to PW2, nothing was brought out to support the prosecution case. Even though the evidence of PW1 and Ext.P1 wound certificate shows that CW1 was injured, there is nothing on record to find that the injuries were caused by the accused. Even though the investigating officer is examined in this case, it did not improve the prosecution case. In this context, the learned Assistant Public Prosecutor gave up the remaining witnesses, as their examination will not serve any purpose.

10. On evaluation of the available evidence in this case, this Court finds that there is no evidence to prove that accused nos.1 to 4, in furtherance of their common intention, trespassed into the courtyard of the house of CW1 and attacked him. There are no materials before the Court to connect the accused with the alleged offences. It can only be concluded that the prosecution has not succeeded in proving the guilt of the accused. Hence these points are answered against the prosecution.

11. **Point No. (vi)**:- In the light of the findings on Point Nos. (i) to (v), accused nos.1 to 4 are found not guilty of the offences punishable U/ss. 447, 341, 323, 324 and 506 para I r/w 34 of IPC and they are acquitted U/s. 248 (1) Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

11. No material objects were produced in this case.

(Dictated to the Confidential Assistant, transcribed by her, corrected and pronounced by me in open court, on this the 31st day of March, 2026).

JUDICIAL FIRST CLASS MAGISTRATE -I,
NADAPURAM.

APPENDIX
WITNESSES EXAMINED FOR PROSECUTION

PW1/CW6	Dr.Nimya Gopal, Assist. Surgeon,Taluk Hospital, Kuttiady
PW2/CW4	Nishi, W/o.Suneesh
PW3/CW8	Gireesh Kumar.P.E,SCPO(G) 8659, Thottilpalam P.S
PW4/CW9	Raju.L.P, SCPO(G) 8984, Thottilpalam P.S

EXHIBITS MARKED FOR PROSECUTION :

Ext.P1	:	Wound certificate dated:24.11.20 (marked through PW1)
Ext.P2	:	FI Statement dated:25.11.20(marked through PW2)
Ext.P3	:	FIR dated dated:25.11.20(marked through PW3)
Ext.P4	:	Scene mahazar dated: 25.11.20(marked through PW4)

WITNESS EXAMINED FOR ACCUSED : NIL

EXHIBITS MARKED FOR ACCUSED : NIL

MOs MARKED : NIL

JUDICIAL FIRST CLASS MAGISTRATE -I
NADAPURAM.