

<b>IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE-I, NADAPURAM.</b>	
<b>Present:- Smt.Archana John Britto Judicial First Class Magistrate-I, Nadapuram</b>	
<b>Dated, this the 23<sup>rd</sup> day of May, 2026</b>	
<b><u>C.C. No.1303/2021</u></b>	
Complainant	: State, Rep.by the Sub Inspector of Police, Nadapuram Police Station (Cr.No.595/2021) (Rep.By Sri.P.C.Jawad & Lekha.K.V Assistant Public Prosecutor) v.
Accused	: 1.Ragil.P, S/o.Rajan, aged 27/21, Pilavullathil(H), P.O.Kallachi, Nadapuram.  2.Sakhil Vasu, S/o.Vasu, aged 28/21, Karimbin meethal(H), Kallachi(PO), Nadapuram.  3.Vishnu, S/o.Venu, aged 25/21, Puthanpurayil(H), Kallachi(PO), Nadapuram.  (Rep.By Adv. M.Siju)
offences	: U/ss.341, 323, 324, 325 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
1	Ragil.P	Rajan	Coolie	Kallachi	27/21
2	Sakhil Vasu	Vasu	Coolie	Kallachi	28/21
3	Vishnu	Venu	Coolie	Kallachi	25/21

**RELEVANT DATES**

Occurrence	Complaint	Apprehension	Released on bail	Commencement of trial	Close of trial	Sentence or order
04.09.21	07.10.21	17.09.21	21.12.21	28.09.22	22.05.26	23.05.26

**J U D G M E N T**

The accused are put on trial for the commission of offences punishable U/ss. 341, 323, 324, 325 r/w 34 of IPC.

2. The prosecution case in brief is as follows:- On 04.09.2021 at 16.00 hours at Kuttippuram south in Nadapuram amsom Kallachi desom, all the accused, in furtherance of their common intention wrongfully restrained PW1 , accused no.1 voluntarily caused grievous hurt to his left ear by beating him with hands. Accused nos.2 and 3 voluntarily caused hurt to PW1 by beating him with hands and stick . The accused also caused hurt to PW1 by pushing him and by hitting him with a laterite stone. The accused are thereby alleged to have committed the above-mentioned offences.

3. On appearance of accused nos.1 to 3 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. 341, 323, 324, 325 r/w 34 of IPC were framed against accused nos.1 to 3, read over and explained to them, to which they pleaded not guilty and claimed to be tried.

4. On the side of prosecution, PW1 and PW2 were examined and Ext.P1 was 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 the accused, in furtherance of their common intention wrongfully restrained PW1?
- (ii) Whether the accused, in furtherance of their common intention voluntarily caused hurt to PW1 by beating him with hands?
- (iii) Whether the accused, in furtherance of their common intention, voluntarily caused grievous hurt to PW1 by beating him with hands?
- (iv) Whether the accused, in furtherance of their common intention, voluntarily caused hurt to PW1 by beating him with a stick and laterite stone, which if used as weapons of offence, are likely to cause death?
- (v) Sentence or Orders?

6. **Point Nos. (i) to (iv) :-** The prosecution case was based on Ext.P1 FI Statement given by PW1 to the police. PW1 deposed that on 04.09.2021 at 4.00 p.m he was attacked by some persons at the premise of Kallachi Commerce college. He got injury on his ear and leg in the alleged incident. However he is not able to identify the assailants at present. As per the version of PW1, he stated the names of the accused on Ext.P1 FIS, on the basis of hearsay information. It was also deposed by PW1 that the matter has been settled between him and the accused.

7. PW2 is stated to be an occurrence witness in this case. He deposed that he had not witnessed the alleged incident. He denied to have given statement to the police to the effect that he witnessed the alleged incident.

8. Material witnesses retracted from their earlier versions 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 PW1

and PW2, nothing was brought out to support the prosecution case. In this context, the learned Assistant Public Prosecutor gave up the remaining witnesses, as their examination will not improve the case of the prosecution.

9. On evaluation of the available evidence in this case, this Court finds that there is no evidence to prove that the accused wrongfully restrained PW1 and voluntarily caused grievous hurt to 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.

10. **Point No. (v):-** In the light of the findings on Point Nos. (I) to (iv), accused nos.1 to 3 are found not guilty of the offences punishable U/ss. 341, 323, 324, 325 r/w 34 of IPC and they are acquitted U/s. 248(1) of Cr.P.C. Their bail bonds stand cancelled and they are set at liberty.

11. Properties (stick and laterite stone) received as PR.No.346/21 shall be destroyed being valueless, after the appeal period is over and if an appeal is preferred after its disposal.

(Dictated to the Confidential Assistant, typed by her, corrected and pronounced by me in open court, on this the 23<sup>rd</sup> day of May, 2026).

JUDICIAL FIRST CLASS MAGISTRATE -I,  
NADAPURAM.

**APPENDIX**

**WITNESSES EXAMINED FOR PROSECUTION**

PW1/CW1	:	Sujith, S/o.Kumaran
PW2/CW2	:	Balan, S/o.Kannan

**EXHIBITS MARKED FOR PROSECUTION** :

Ext.P1	:	FI Statement dated 05.09.21 (marked through PW1)
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WITNESS EXAMINED FOR ACCUSED : NIL

5

EXHIBITS MARKED FOR ACCUSED : NIL

MOs MARKED : NIL

JUDICIAL FIRST CLASS MAGISTRATE -I  
NADAPURAM.