

IN THE COURT OF SESSIONS KOLLAM DIVISION

Present :Smt.Dr.Amritha.T, Assistant Sessions Judge

Saturday, the 16th day of November, 2024

25th day of Karthikam, 1946 SE.

Sessions Case No. 1484/2021

(C.P.No. 114/16 of J.F.M.C-II, Kollam in crime No. 1220/16 of Eravipuram Police Station.)

Complainant: State of Kerala represented by the Sub
Inspector of Police, Eravipuram
Police Station.
(Represented by Addl. Public Prosecutor)

Accused :A1 - Syam Sasi, S/o. Sasi,
Kinattazhikam House, Mayyanadu Cherry,
Mayyanadu Village.

(By Adv. Smt. G. Subha)

Charge : Offence u/ss. 341, 324, 326, 308
r/w 34 of Indian Penal Code.

Plea of the accused : Not Guilty.

Finding of the Court : Not Guilty.

Sentence or Order : The accused is found not guilty
for the charged offences
punishable under sections 341,
324,326, 308 r/w 34 of Indian
Penal Code he is acquitted of the
said offence u/s. 232 Cr.PC. His
bail bond stands cancelled and he
is set at liberty

Dates of trial and hearing : 20.06.23, 23.06.23, 08.01.24,
12.02.24, 22.02.24, 19.03.24,
01.06.24, 10.06.24, 29.06.24,
18.07.24, 01.08.24, 23.09.24,
08.11.24, 13.11.24, 16.11.24.

This case has been finally heard on 16.11.24 and the court on the same day delivered the following:

JUDGMENT

This is a case which arose out of a final report filed by the Sub Inspector of Police, Eravipuram Police Station, in Crime No. 1220/16, alleging commission of offence punishable under sections 341, 324, 326, 308 r/w 34 of Indian Penal Code.

2. Prosecution case, in brief, is as follows: The accused due to enmity towards CW1 to CW3 on 06/06/16 at about 22.00 hours, in front of CSI Church, Mayyanadu, accused No. 1 attempt to stab CW1 with a knife, which was evaded by CW1, causing injury on his shoulder. In the meantime, A2 and A3 wrongfully restrained CW1 and A1 struck the right knee of CW1, causing fracture. When CW2 and CW3 attempt to restrain A1, they were also beaten with iron rod. The accused committed the aforesaid offences in furtherance of their common intention and thereby, the accused is alleged to have committed the offences punishable under the above mentioned sections.

3. On filing the final report before the Judicial First Class Magistrate Court- II, Kollam, the case was taken into file as C.P. No. 114/16. Accused is on bail from crime stage. After complying with S. 207 of Cr.P.C, the learned JFCM-II, Kollam committed the case against the accused to the Hon'ble Court of Sessions, Kollam. Later, the case was made over to this Court for trial and disposal.

4. The accused appeared on summons before the Court. He was allowed to continue on bail under which he was enlarged in the crime stage. Prosecution then opened up its case by the learned public prosecutor stating the facts leveled against the accused and evidence it proposed to adduce, to prove the guilt of the accused. The accused was equally heard. After hearing, this Court found that there are sufficient grounds for proceeding against the accused and therefore, a formal charge was framed for the offence punishable u/ss. 341, 324,326, 308 r/w 34 of Indian Penal Code, which was then read over and explained to the accused to which he pleaded not guilty, but claimed to be tried.

5. From the side of the prosecution, CW1 to CW10 were cited. CW1 to CW3 were examined as PW1 to PW3 and Ext. P1 was marked.

Since the material witnesses turned hostile examination of the remaining witnesses are given up by prosecution as it would not help in the fruitful conviction of accused. Since no incriminating evidence is brought out, examination of accused u/s. 313(1) Cr.PC is dispensed with. No defence evidence.

6. Heard both sides u/s.232 Cr.PC.

7. The points that arise for determination are:

(i) *Is there any offence made out against the accused to direct him to enter on his defence?*

(ii) *Order ?*

8. **Point Nos. 1:-** CW1 to CW3 , the injured were examined as PW1 to PW3 and Ext.P1 marked. All of them submitted that they were attacked in dark, hence did not see the offenders. Therefore, they were declared hostile. Since no incriminating evidence has brought out from the oral testimony of PW1 to PW3 of the remaining witnesses are given up by the prosecution as it will not lead to conviction of the accused. The prosecution miserably failed to prove the guilt of accused. Thus, the point is found in favor of the accused.

9. **Point No.2:** In view of the finding on point No.1, the accused is found not guilty for the charged offences punishable under sections 341, 324, 326, 308 r/w 34 of Indian Penal Code he is acquitted of the said offence u/s. 232 Cr.PC. His bail bond stands cancelled and he is set at liberty

(Dictated partially to the Confidential Asst., transcribed and typewritten by her/it, corrected and pronounced by me in open court on this the 16th day of November, 2024)

Sd/-
Dr.Amritha.T
ASSISTANT SESSIONS JUDGE

APPENDIX

WITNESSES EXAMINED FOR THE PROSECUTION

PW1 : Vishnu on 13.11.24

PW2: Sreekuttan on 13.11.24

PW3: Praveen on 13.11.24.

EXHIBITS MARKED FOR PROSECUTION:

P1: FIS proved by PW1 on 13.11.24

WITNESS FOR DEFENCE: NIL

EXHIBITS FOR DEFENCE: NIL

MATERIAL OBJECTS MARKED: NIL

Sd/-
Dr.Amritha.T
ASSISTANT SESSIONS JUDGE.

Tabular form to be annexed to judgment as per Rule 132 of criminal Rules of Practice.

1. Serial No. : Sessions Case No. 1484/23
 2. Name of Police Station & Eravipuram Police Station
 Crime No. of offence : Crime No. 1220/16

DESCRIPTION OF THE ACCUSED

3. Name of accused : A1- Syam
 4. Father's Name : Sasi
 5. Occupation : -
 6. Residence : Kinattazhikam House,
 Mayyanadu Cherry,
 Mayyanadu Village.
 7. Age : -
 8. Caste : -

DATES OF

9. Occurrence : 06.06.2016
 10. Complaint : 07.06.2016
 11. Apprehension : 20.06.2016
 12. Release on bail : 26.09.2016
 13. Committal : 25.11.2021
 14. Commencement
 of trial : 20.06.2023
 15. Close of trial : 13.11.2014
 16. Sentence or Order : 16.11.2024
 17. Service of copy of
 judgment or finding : 16.11.2024
 on accused
 18. Reason for delay : No delay

Sd/-

Dr.Amritha.T

ASSISTANT SESSIONS JUDGE

//True copy//

Typed by:

Comp.by:

Dr.Amritha.T

ASSISTANT SESSIONS JUDGE.