

IN THE COURT OF SESSION KOLLAM DIVISION

Present : Smt.Sushama. P, Asst. Sessions Judge
Tuesday, the 24th day of March, 2026

3rd day of Chaitra 1948 S.E.

Sessions Case No.1837/2019

(C.P.No. 137/2018 of J.F.M.C - II, Kollam, Crime No.651/2018 of
Kottiyam Police Station, Kollam.)

Complainant

State represented by the

Sub Inspector of Police, Kottiyam Police
Station, Kollam.

(Represented by Addl. Public Prosecutor)

Accused A1

Arun, Aged 19/18, S/o. Thulasi, Arun Bhavan,
Near Cashew Factory Krishnagiri, Botte Jetty,
Cheriyela Cherry, Thrikkovilvattam Village.

(By Adv. **Thevally K.S. Rajeev**)

Charge

Offences punishable u/ss 341, 324 , 308 and
34 of IPC.

Plea of the accused

Not Guilty

Finding of the Court

The accused are found not guilty of the
offences punishable u/ss 341, 324, 308 and
34 of IPC. Accused is acquitted u/s. 232
Cr.PC in respect of the said offences. Bail
bonds executed by him stand cancelled and

they are set at liberty.

Sentence or Order : 24.03.2026

Dates of trial	29.10.2025,	11.12.2025,	14.01.2026,
and hearing	29.01.2026,	19.02.2026,	03.03.2026,
	13.03.2026,	18.03.2026.	

This case has been finally heard on 18.03.2026 and the court on
24.03.2026 delivered the following:

JUDGMENT

This is a case charged by the Sub Inspector of Police, Kottiyam Police Station, in Crime No. 651/18 against the accused alleging the commission of offences punishable u/ss. 341, 324 , 308 and 34 of IPC.

2. The substance of the charge against the accused is that, On 05.08.2018, at 14 hours, CW1 saw the first and second accused and others putting ganja, beedi and cigarettes in the back of CW1's house. When interfered by CW1, they quarreled with CW1. On 06.08.2018 at 18.30 hours when CW1 was coming home after work on a

scooter bearing number KL 02 BE 2143, when reached at Cheriylacheri in Thrikkovilvattom Village, with intent to cause bodily harm on CW1, the second accused kicked the back of the scooter and pushed CW1. At that time, the accused no. 1 hit CW1 on head with an iron pipe. CW1 rolled over and hit landed on the back of head. The accused no. 1 caused bodily injury to CW1 by hitting with ironpipe on the body and legs and the second accused hit the CW1 on the right side below the eye with a stone and as a result CW1 sustained injuries on the back and left side of his head. Blood came out of his ears and injuries sustained to his left and right legs and to his knee and right side below his eye. If the attack on head with iron pipe by the accused no. 1 was not prevented, it would have caused the death of CW1. Thus the accused committed the aforesaid offences.

3. After completing the investigation, charge was laid by the Investigating Officer before the Court of the Judicial Magistrate of the First Class - II, Kollam, where the

case was taken on file as CP 137/2018 against the accused. The accused was enlarged on bail and the copy of prosecution records were furnished to them. Thereafter, the case against the accused was committed to the Hon'ble Sessions Court, Kollam u/s.209 of Cr.P.C and the Hon'ble Sessions Court made over the case to this court for trial and disposal. Case is registered as SC.No. 558/19. A1 and A2 absconded and the case is transferred to LPR as LP No.3/19. A2 surrendered on 29-01-2026 and the case number re assigned as SC No.1799/19. A1 surrendered on 29-10-2025 and re assigned the number as SC. No.1837/19. A2 absconded again and case against him is transferred to LPR as LP6/25. He surrendered on 13-03-2025 and SC No. is not assigned so far. A1 in the above crime is facing trial now in SC. No. 1837/19.

4. On the appearance of the accused, the learned Additional Public Prosecutor opened his case by describing the charge brought against the accused and stating by what evidence he proposes to prove the guilt of the

accused. Upon consideration of the records of the case and the documents submitted therewith and after hearing the submissions of the accused and the prosecution, charge was framed against the accused for the offences punishable u/ss. 341, 324 ,308 and 34 of IPC, which was read over and explained to the accused to which they pleaded not guilty and claims to be tried.

5. On the side of prosecution, PW1 was examined and Ext. P1 was marked. As the material witnesses were turned hostile to the prosecution, the remaining witnesses were given up by the learned Additional Public Prosecutor. As there is no incriminating evidence brought against the accused, examination of accused u/s. 313(1)(b) of Cr.PC is dispensed with.

6. Heard both sides under section 232 of Cr.PC.

7. The points that arise for consideration are:

1. Have the accused wrongfully restrained the

PW1 and thereby committed the offence punishable u/s. 341 and 34 of IPC as alleged by the prosecution?

2. Have the accused voluntarily caused hurt to the PW1 with dangerous weapon and thereby committed the offence punishable under Section 324 and 34 of the Indian Penal Code as alleged by the prosecution?
3. Have the accused No.1 inflicted injury on the head of the PW1 with an iron pipe with an intention to attempt to commit culpable homicide not amounting to murder and thereby committed the offence punishable under Section 308 and 34 of the Indian Penal Code as alleged by the prosecution?
4. Whether the prosecution proved the offences?
5. If so, what is the order and sentence to be passed against them?

8. **Point Nos: 1 to 4:-** For the sake of convenience, these points are considered together. The offences alleged to have been committed by the accused is punishable under Sections 341, 324, 308 and 34 of IPC. The informant herein was examined as PW1 who identified his signature in the FIS and the same was marked as Ext.P1. According to the testimony of the PW1, he sustained injury on his head , right eye and left knee. Thereafter, he was taken to District Hospital, for treatment. But PW1 turned hostile to the prosecution by deposing that he did not know the assailants who attacked him. CW2 to CW12 were given up by prosecution. Though the prosecution examined PW1, he did not support the prosecution version regarding the alleged incident to connect the accused with the alleged offences. On analyzing the available evidence, there is nothing on record to connect the accused with the alleged offences. Hence,

the prosecution has failed to prove the charge against the accused.

9. **Point No.5:-**

On analyzing the available evidence, I find that prosecution has failed to prove the guilt of the accused beyond all reasonable doubts for the offences alleged.

In the result, the accused are found not guilty of the offences punishable u/ss 341, 324, 308 and 34 of IPC. Accused is acquitted u/s. 232 Cr.PC in respect of the said offences. Bail bonds executed by him stand cancelled and they are set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open court on this the 24th day of March, 2026.

Sushama. P,
Assistant Sessions Judge

APPENDIX:

WITNESSES EXAMINED FOR THE PROSECUTION

PW1 : Binu on examined 18.03.2026

EXHIBITS MARKED FOR PROSECUTION:

P1: FIS dated 07.08.2018 proved by PW1 on 18.03.2026

WITNESS FOR THE DEFENCE: NIL**EXHIBITS FOR THE DEFENCE: NIL****MATERIAL OBJECTS MARKED : NIL**

Sushama. P,
Assistant Sessions Judge.

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

- | | | | |
|----|--|---|--|
| 1. | Serial Number | : | Sessions Case No.1837/2019 |
| 2. | Name of Police Station
and Crime No. of the
offence. | : | Kottiyam Police Station,
Kollam.
Crime No.651/18 |

DESCRIPTION OF THE ACCUSED

- | | | | |
|----|---------------|---|---|
| 3. | Name | : | A1. Arun |
| 4. | Father's Name | : | Thulasi |
| 5. | Occupation | : | -- |
| 6. | Residence | : | Arun Bhavan, Near Cashew
Factory Krishnagiri, Botte
Jetty, Cheriya Cherry,
Thrikkovilvattam Village. |
| 7. | Age | : | 19/18 |

8. Caste

DATE OF

- | | | | |
|-----|--|---|------------|
| 9. | Occurrence | : | 06.08.2026 |
| 10. | Complaint | : | 06.08.2026 |
| 11. | Apprehension | : | 06.08.2026 |
| 12. | Released on bail | : | 10.10.2025 |
| 13. | Commitment | : | 22.03.2019 |
| 14. | Commencement of trial | : | 29.10.2025 |
| 15. | Close of trial | : | 18.03.2026 |
| 16. | Sentence or order | : | 24.03.2026 |
| 17. | Service of copy of Judgment or finding on accused. | : | No delay |
| 18. | Explanation for delay | : | No delay |

Sd/-

Sushama. P,
Assistant Sessions Judge.

Typed by : Salini.S

Sushama. P,
Assistant Sessions Judge.

**CALENDAR STATEMENT IN SESSIONS CASE NO. 1837/2019
ON THE FILE OF THE ASST. SESSIONS COURT (ADDITIONAL),
KOLLAM.**

1. Serial Number : Sessions Case No.1837/2019
2. Name of Police Station : Kottiyam Police Station,
and Crime No. of the : Kollam.
offence. Crime No.651/18

DESCRIPTION OF THE ACCUSED

3. Name : A1. Arun
4. Father's Name : Thulasi
5. Occupation : --
6. Residence : Arun Bhavan, Near Cashew
Factory Krishnagiri, Botte
Jetty, Cheriya Cherry,
Thrikkovilvattam Village.
7. Age : 19/18
8. Caste : ---

DATE OF

9. Occurrence : 06.08.2026
10. Complaint : 06.08.2026
11. Apprehension : 06.08.2026
12. Released on bail : 10.10.2025
13. Commitment : 22.03.2019
14. Commencement of trial : 29.10.2025
15. Close of trial : 18.03.2026

16 Sentence or order : 24.03.2026

17 Service of copy of judgment or finding on accused. : No delay

18 Explanation for delay : No delay

Sushama. P,
Assistant Sessions Judge.