

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, KOLLAM

Present: Sri. Unnikrishnan.M.S. Chief Judicial Magistrate.

Tuesday, the 23rd day of March, 2026/ 3rd day of Chaithra, 1948.

C.C.473/2024

Complainant	:	State represented by the Sub Inspector of Police, Kollam East Police Station, in Crime No.1621/2024
		(By Smt. Sindhu.C, Deputy Director of Prosecutions, Kollam)
Accused	:	Rafin, aged 21 years (2023), S/o. Sunil, Snevhatheeram Nagar 5, Settlement Colony, Pallithottam Cheri, Kollam West Village.
		(By Adv. Sri. S.M.Shereef)
Offence	:	Punishable u/s. 309 (6) of Bharatiya Nyaya Sanhita, 2023.
Plea	:	Not Guilty.
Finding	:	Not Guilty
ORDER	:	Accused is found not guilty of the offence punishable u/s. 309 (6) of Bharatiya Nyaya Sanhita, 2023 and he is acquitted under section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 Bail bond of the accused shall stands cancelled and he is set at liberty

DATES OF

Offence	Complaint	Apprehension	Release on bail
11.9.2024	21.10.2024	20.9.2024	20.9.2024
Commencement of trial	Commencement of evidence	Close of trial	Sentence or order
12.12.2025	23.3.2026	23.3.2026	23.3.2026
Period of detention	Explanation for delay		

undergone during investigation, inquiry or trial for the purpose of Sec.428 Cr.P.C.			
-	No delay		

This case was finally heard on 23.3.2026 and on the same day the Court delivered the following:-

JUDGMENT

This case arose upon a final report in Crime No.1621/2024 registered by the Sub Inspector of Police, Kollam East Police Station against the accused alleging commission of the offence punishable u/s 309 (6) of Bharatiya Nyaya Sanhita, 2023

2. **Prosecution case runs as follows:-** On 11.9.2024 at about 16.00 hrs., the accused with the intention to commit theft of the mobile phone of CW1, Jaison, voluntarily caused hurt to him, while he was walking in front of Fathima Matha National College browsing his mobile phone. The accused fisted on the face of defacto complainant several times and committed theft of A VIVO mobile phone from his possession. Thereby the accused is alleged to have committed the aforesaid offence.

3. Smt. Shabna.M Sub Inspector of Police, Kollam East

Police Station registered First Information Report in this case. Later she completed investigation and filed final report before this court. Cognizance was taken and the case was taken to the file of this court as the present case. On issuance of process, the accused appeared and were released on bail. Copies of the relevant records relied on by the prosecution were served on the accused. Heard. Charge was framed for the offence u/s. 309 (6) of Bharatiya Nyaya Sanhita, 2023 read over and explained to the accused to which he pleaded not guilty and claimed to be tried. The case was posted for prosecution evidence.

4. Out of the 8 witnesses cited in the final report, the prosecution examined PW1 Ext. P1 was marked. The remaining witnesses were given up by the learned Deputy Director of Prosecution. Since no incriminating circumstances were made out against the accused in the prosecution evidence, questioning of accused u/s. 351 (1) (b) BNSS was dispensed with.

5. No oral or documentary evidence was adduced from the side of the accused.

6. Heard both sides.

7. **The points arise for consideration are:-**

(1) Whether the accused voluntarily caused hurt to PW1

and committed theft of his mobile phone and thereby committed the offence punishable u/s.309 (6) of Bharatiya Nyaya Sanhita, 2023 as alleged?

(2) Is the accused guilty or not?

(3) 7 What is the sentence or order to be passed?

8. **Point No.1** :- The defacto complainant was examined as PW1. He gave Ext.P1 statement to the police regarding the incident. He turned hostile stating that the accused did not cause hurt to him. PW1 further deposed that the matter was settled between the parties.

9. Taking into consideration of testimony of PW1, the learned Deputy Director of Prosecution gave up the examination of remaining witnesses as their evidence will no way improve the prosecution case. On an overall consideration of the evidence available on record it is seen that there is absolutely no incriminating circumstances against the accused to prove the allegations levelled against the accused. This point is found against the prosecution.

10. **Point No.2**:- In view of my findings on point No. 1 , I find that the accused is not guilty of the offence punishable u/s u/s. 309 (6) of Bharatiya Nyaya Sanhita, 2023. This point is found

against the prosecution.

11. **Point No.3:-** In view of my finding on Point No.2, accused is acquitted under section 271(1) of the Bharatiya Nagarik Suraksha Sanhita, 2023 of the offences punishable u/s.309 (6) of Bharatiya Nyaya Sanhita, 2023. Bail bond of the accused shall stands cancelled and he is set at liberty forthwith.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me in Open Court on this, the 23rd day of March, 2026.

CHIEF JUDICIAL MAGISTRATE

Appendix

A. Witnesses for the prosecution

Rank	Name	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
PW1	Jaison	Defacto complainant

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
Nil	Nil	Nil

C. Court Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert Witness, Medical Witness, Other Witness
Nil	Nil	Nil

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits

Sl.No	Exhibit No.	Description
1	P1	First Information Statement proved through PW1 on 23.3.2026

B. Defence Exhibits

Sl.No	Exhibit No.	Description
Nil	Nil	Nil.

C. Court Exhibits

Sl.No	Exhibit Number	Description
Nil	Nil	Nil

D. Material Objects

Sl.No	Exhibit Number	Description
Nil	Nil	Nil

CHIEF JUDICIAL MAGISTRATE