

IN THE COURT OF JUDICIAL MAGISTRATE OF FIRST CLASS-I, PUNALUR

Present: Balu Dinesh, Judicial First Class Magistrate-I, Punalur

On this the 1st day of June 2026/ 11th day of Jyaishta 1948

CC 356/2023

Complainant : State represented by the Sub Inspector of Police,
Yeroor Police Station in Crime No. 169/2023
(By Ld. Assistant Public Prosecutor, Punalur-I)

Accused : A1 - Jain P Jacob, S/o Jacob P., Pleasant Villa,
Kattitta, Panayam, Yeroor.

A2 - Jaison @ Santhosh, S/o Sukumaran,
Poikayil Veedu, Kattitta, Panayam, Yeroor.

A3 - James, S/o Paulose, Kalluvettamkuzhy Veedu,
Kattitta, Panayam, Yeroor.
(By Ld. Adv. J. Surendran Nair)

Offence : Sections 294(b), 323 and 324 r/w 34 of Indian
Penal Code.

Plea : Not Guilty

Finding : Accused are found not guilty.

Sentence or Order : Accused are acquitted u/s 248(1) CrPC.

DESCRIPTION OF ACCUSED

Name	Age	Father's /Husband's Name	Occu- pation	Residence
Jain P Jacob		Jacob P		Pleasant Villa, Kattitta, Panayam, Yeroor.
Jaison @ Santhosh		Sukumaran		Poikayil Veedu, Kattitta, Panayam, Yeroor.
James		Paulose		Kalluvettamkuzhy Veedu, Kattitta, Panayam, Yeroor.

DATES OF

Date of offence	Date of Complaint	Date of appearance	Release on bail	Date of Commencement of trial	Date of commencement of evidence	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr.PC	Date of Close of trial	Date of Sentence or Order	Service of copy judgment or finding on accused	Explanation of delay
29.01.23	18.04.23	14.02.24	14.02.24	09.01.25	26.05.26		26.05.26	01.06.26	01.06.26	NA

This case coming on for hearing in the presence of Assistant Public Prosecutor, Punalur and learned Advocate for the accused on 26th day of May 2026 and having stood for consideration till this day, the Court delivers the following:

JUDGMENT

1. This is a case instituted upon report of Station House Officer, Yeroor Police Station, on completion of investigation filed under Section 173(2) of Code of Criminal Procedure in Crime No. 169/23. The accused persons are alleged to have committed offence under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code.

PROSECUTION CASE

2. The prosecution case in brief is that on 29-01-23 at around 7:15 hours at Panayam the accused had in furtherance of common intention kicked the informant CW1/PW1 and CW2/PW2 and voluntarily caused hurt to

informant with sticks and uttered obscene words against them. On this ground prosecution alleges that accused had committed offence under 323, 294(b) and 324 r/w 34 of Indian Penal Code.

3. Investigation was carried out and upon the completion of investigation, a report under Section 173(2) of Cr. P. C was filed against the accused persons alleging the commission of aforesaid offence.

PROCEDURAL FORMALITIES

4. This Court took cognizance under Section 190 (1) (b) of Cr. P. C of the aforesaid offence alleged against the accused and issued summons against the accused under Section 204 Cr. P. C. The accused appeared in Court. They were released on bail. The copies of the relevant documents relied on by Prosecution were furnished to the accused and thereby the legal mandate under Section 207 Cr. P. C was complied.
5. After hearing both sides charge was framed for offence punishable under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code and was read over and explained to the accused in their language. The accused pleaded not guilty and claimed to be tried.

EVIDENCE BROUGHT ON RECORD

6. On the side of Prosecution CW1, CW2 and CW5 were examined as PW1 to PW3 and Exhibit P1 was marked. Since witnesses did not support

prosecution, the learned Assistant Public Prosecutor had given up other witnesses. Since no incriminating circumstances were brought out in evidence the accused were exempted from examination under Section 313(1) (b) Cr. P. C.

7. The accused did not adduce any evidence on their side.
8. Heard both sides and perused records of the case.
9. On the basis of rival contentions, the following points are raised for consideration:

1. Did the accused on 29-01-23 at around 7:15 hours at Panayam in furtherance of common intention kick PW1 and PW2 and voluntarily cause hurt to PW1 with sticks and uttered obscene words against them and thereby did the accused persons commit offence under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code?
2. If the accused are found guilty and convicted, then what shall be the order as to sentence?

POINT 1

10. The prosecution case is that the accused had committed the offence covered under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code.

PW1 had set the law in motion. PW1 stated that the accused not cause hurt to him. PW2 did not witness the case. PW3 also did not witness the case. PW1 to PW3 did not support the case of the prosecution. When the factual chain of circumstances is broken and the version of the prosecution has not been established as was required of it and in the absence of complete chain, the guilt of the accused cannot be inferred and suspicion howsoever grave it may be, cannot take place of proof as that would be miscarriage of justice, which must be avoided. The facts and circumstances, lead to a conclusion that the prosecution has failed to prove its case beyond reasonable doubt against the accused and the accused should be given benefit of doubt. Even Hon"ble Apex Court, in the matter of Sujit Biswas Vs. State of Assam-2013 Cri. L.J. 3140 (SC) has expressed its view on the same line that suspicion howsoever strong cannot assume form of proof and a doubt is not a trivial or mere a probable doubt but a fair doubt based upon reasons and common sence. The golden thread which runs through the web of administration of justice in criminal cases is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. The paramount consideration of the Court is to ensure that miscarriage of justice is prevented. A miscarriage of justice which may arise from acquittal of the guilty is no less than from the

conviction of an innocent. The witnesses did not utter even a single word against the accused. Thus, the prosecution had failed to bring out any evidence against the accused and they could not hence be held guilty. Point 1 is found against the prosecution.

POINT 2

11. In the light of the findings above it is concluded that the accused are not guilty of committing offence under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code. Point 2 lost its significance.

Consequently, the accused No. 1 to 3 are acquitted of the offence under Sections 323, 294(b) and 324 r/w 34 of Indian Penal Code. The acquittal is made under Section 248(1) CrPC.

Dictated to my CA, verified by me and typewritten into my personal laptop and pronounced by me in the open Court on this the 1st day of June 2026.

Sd/-
Judicial First Class Magistrate- I, Punalur

APPENDIX

List of Prosecution/Defence/Court Witness

A. Prosecution Witnesses:

Rank	Name	Whether Eye witness, Police witness, Expert witness, Medical witness, Other witness
PW1	Reji (CW1)	Occurrence witness/ Complainant
PW2	Murali (CW2)	Occurrence witness
PW3	Joy (CW5)	Occurrence witness

B. Defence Witness:

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

C. Court Witness:

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

List of Prosecution/Defence/Court Exhibits

A. Prosecution Exhibits:

Sl. No.	Exhibit Number	Description
1	P1	Complaint proved by PW1 on 26.05.26

B. Defence Exhibits:

Sl. No.	Exhibit Number	Description
	Nil	

C. Court Exhibits:

Sl. No.	Exhibit Number	Description
	Nil	

D. Material Objects:

Sl. No.	Material Objects	Description
	Nil	

Sd/-

Judicial First Class Magistrate- I, Punalur

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