

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF FIRST CLASS -II,  
(FOREST OFFENCES), PUNALUR.**

Present: Sri. EKALAVIAN L.V, Civil Judge (Junior Division)

Tuesday, the 19<sup>th</sup> day of May, 2026/ 05<sup>th</sup> day of Jyeshtha, 1948

**CC No. 269/2017**

Complainant : The State of Kerala represented by the Sub Inspector of Police,  
Punalur Police Station in Cr. No. 1998/2010.  
(By. Ld. Adv. Roy Titus, Assistant Public Prosecutor, Punalur)

Accused : A1 - Shanavas aged 42 years S/o. Ibrahimkutty, Navas Manzil,  
Haluva Colony, Moosavarikunnu, Punalur Village.  
(By Ld. Adv.V.Saji)  
A2- Subhash Kumar aged 40 years S/o. Sasidhran Nair,  
Vattakkalaveedu, 16th Muri, Vallakadavu, Karyara Muri,  
Vilakudy Village.  
(By Ld. Adv. Jose Abraham)

Offence : Punishable U/ss.341, 323, 354,427 read with Section 34 of IPC,1860.

Plea : Not guilty

Finding : Not guilty

Order : Accused are found not guilty of the offences punishable under  
sections 341, 323, 354, 427 read with Section 34 of IPC,1860 and  
they are acquitted u/s. 248(1) Cr. PC for the said offences.

**DATES OF**

Date of offence	Date of Complaint	Date of apprehension	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
30.12.10	24.5.11	21.5.15 (A1) 27.10.14(A2)	21.5.15 (A1) 27.10.14(A2)	21.5.15 ( A1 & A2)	12.5.26		12.5.26	19.5.26

This case coming on this day for consideration, the court passed the following:-

## **JUDGMENT**

This case is a calendar case based upon the final report filed by the Punalur SHO in Police Station Crime No. 1998/2010 against the accused persons alleging the commission of offences punishable u/ss.341, 323, 354,427 read with Section 34 of IPC,1860..

2. The prosecution's allegation is that at around 01.15 p.m. on 30.12.2010 while defacto complainants 1 to 3 were travelling in their Tata Sumo car bearing registration number KL 01S 9511, the accused no. 1 to no. 3 came in an autorikshaw bearing registration number KL-25B-1125 and wrongfully intercepted the defacto complainant's vehicle at St.Goretti School Junction in Punalur. Thereafter, the second and third defacto complainant were forcibly dragged out of their vehicle and they were got beaten up by the accused. It was also alleged that the accused no. 1 to 3, in furtherance of their common intention, damaged the windshield of the defacto complainant's car, thus causing a loss of ₹ 20,000 and thereby committing the offences punishable under Sections 341, 323, 354, 427 read with Section 34 of IPC, 1860.
3. Originally the case was taken into file as CC.276/2011 by JFMC-III, Punalur. On appearance of accused, the were released on bail. After being released on bail, he was furnished with all relevant prosecution records u/s.207 Cr.P.C. Subsequently the case is transferred to this court and numbered as CC 269/2017. Therafter, a charge under Sections 341, 323, 354,427 read with Section 34 of IPC,1860, was framed, read over and explained to him, to which he pleaded not guilty and claimed to be tried.
4. On the side of prosecution, five witnesses were cited, of which CW1 to CW3 were examined as PW1 to PW3, and the FIS lodged by CW1 was marked as Exhibit P1. On their examination, they turned hostile to the prosecution. Thereafter, Learned APP gave up the remaining witnesses, leading to closure of prosecution evidence and dispensation of Section 313(1)(b) CrPC examination.
5. Heard both sides and perused the records.

6. The following points for the consideration of the case on merits;-
- (a) Did the accused, in furtherance of their common intention, wrongfully restrain the defacto complainants and commit the offence punishable under Section 341 read with Section 34 of IPC 1860?
  - (b) Did the accused, in furtherance of their common intention, voluntarily cause hurt by slapping on the cheeks of defacto complainants and commit the offence punishable under Section 323 read with Section 34 of IPC, 1860?
  - (c) Did the accused in furtherance of their common intention assault the defacto complainant with the knowledge that they are likely thereby to outrage their modesty and commit the offence punishable under Section 354 r/w Section 34 of IPC, 1860?
  - (d) Did the accused, in furtherance of their common intention, damage any property with the intention to cause wrongful loss to the defacto complainant and commit the offence punishable under Section 427 read with Section 34 of IPC 1860?
  - (e) If so, what is the proper order or sentence?
7. **Points No. (a) to (d):-** This Court proceeds to answer point number (a) to point number (d) by examining and analysing the evidence of prosecution witnesses together as follows. PW1 to PW3, though deposed that they were attacked by some assailants on 30.12.2010 at around 01.15 p.m., while they were travelling in their private vehicle through a public road near Punalur, all of them unanimously deposed that it was not the accused in this case who attacked them. Accordingly they were declared hostile to the prosecution, although the FIS lodged by PW1 got marked as Exhibit P1. In the absence of any incriminating evidence to connect the accused with the prosecution's charge, point number (a) to point number (d) are answered against the prosecution. In view of the above said finding, point number (e) does not require any consideration and the accused are hereby found not guilty of the offences charged with.
8. **Point No. (f):-** In the result, the accused are hereby found not guilty of the offences punishable under sections 341, 323, 354, 427 read with Section 34 of IPC, 1860 and accordingly they are acquitted of the said charges under section 248(1) Cr.P.C. Their bonds stand cancelled and they are set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 19<sup>th</sup> day of May, 2026.

Sd/-

Judicial Magistrate of First Class-II  
(Forest Offences), 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	Shamsudheen Rawther (CW1)	Occurrence witness
PW2	Shamna Shajahan (CW2)	Occurrence witness
PW3	Muhammad Shajahan (CW3)	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	FIS proved by PW1 on 12.5.26

## B. Defence Exhibits:

Sl. No.	Description	Exhibit Number

## C. Court Exhibits:

Sl. No.	Description	Exhibit Number
	Nil	

## D. Material Objects:

Sl. No.	Description	Material Objects
	Nil	

Sd/-  
Judicial Magistrate of First Class -II  
(Forest Offences), Punalur

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