

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

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

Dated, the 9th day of June, 2026/ 26th day of Jyeshtham., 1948

CC No. 299/2014

Complainant : The State of Kerala represented by the Sub Inspector of Police,
Punalur Police Station in Cr. No.1915/2012
(By. Ld. Adv. Roy Titus, Assistant Public Prosecutor, Punalur)

Accused : Nassarudheen S/o. Sainudheen Rawther, Asna Manzil, Karyra
Muri, Vilakudy Village.
(By Ld. Adv. Pradeep Chandran)

Offence : Punishable U/ss. 294(b) and 324 of Indian Penal Code, 1860

Plea : Not guilty

Finding : Not guilty

Order : Accused is found not guilty of the offences punishable under
sections .294(b) and 324 of IPC, 1860, and he is 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
14.12.12	7.1.13	17.3.21	17.3.21	24.2.23	30.1.26		29.5.26	9.6.26

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.1915/2012 against the accused persons alleging the commission of offences punishable u/ss. 294(b) and 324 of Indian Penal Code, 1860.

2. The prosecution allegation is that the accused with the intention to voluntarily cause hurt to the defacto complainant at around 09.30 p.m. on 14.12.2012, confronted the defacto complainant, uttered abusive and swear words while she was standing inside the primary health center at Kaaryara in Vilakuddy and struck on her face with a bunch of keys causing hurt, thus committing the offences punishable under Sections 294(b) and 324 of Indian Penal Code, 1860(in short IPC).
3. Originally the case was taken into file as CC 50/2013 by JFMC-III, Punalur. Subsequently the case is transferred to this court and numbered as CC 299/2014. Upon issuance of summons, the accused is appeared and obtained bail. After being released on bail, they were furnished with all relevant prosecution records u/s. 207 Cr.P.C. Thereafter, a charge u/ss. 294(b) and 324 of IPC was framed, read over and explained to them, to which he pleaded not guilty and claimed to be tried.
4. After the filing of a final report, the Court took cognizance of the crime as CC 299/2014 and issued summons to the accused. On the appearance of the accused, charge was framed in writing and read over to him in Malayalam, to which he pleaded not guilty and claimed to be tried. Whereupon, prosecution cited five witnesses, and the court issued processes to the said witnesses. An occurrence witness, namely CW2, was examined as PW1. Afterwards, CW1, the de-facto complainant, appeared before the court and filed a compounding petition under Section 320 of Code of Criminal Procedure, 1973(in short CrPC) stating that the matters have been amicably settled between the parties. However, owing to the non-compoundable nature of the offences, the petition was rejected and he was examined as PW2. He was declared hostile to the prosecution. In that context, Learned APP gave up the remaining witnesses, leading to closure of prosecution evidence and dispensation of examination under Section 313(1) (b) of CrPC.

5. Heard both sides
6. The following points arose for consideration: -
 - i. Did the accused utter any obscene words to the annoyance of defacto complainant at any public place and commit the offence punishable under Section 294(b) of IPC?
 - ii. Did the accused with the intention to voluntarily cause hurt using a dangerous instrument hit on the face of the defacto complainant with a bunch of keys and thereby commit the offence punishable under Section.324 of IPC?
 - iii. If so, what is the proper order or sentence?
7. **Points No. (i) and (ii):-**This Court proceeds to consider point number (i) & (ii) together by examining and analysing the available prosecution evidence. On a bare perusal, it is clear that, both the examined prosecution witness,i.e. PW1 and PW2 were declared hostile to the prosecution and Exhibit P1 Marked+, after they categorically deposed that it was not the accused in this case who attacked him. Moreover, PW1 immediately before her examination had filed a compounding petition stating that the matters had been amicably settled between the parties out of the court. Since one of the offences are non-compoundable in nature, the same was rejected. In that context this Court in the absence of any incriminating evidence, finds it fit to answer point number (i) and point number (ii) against the prosecution, and the accused is found not guilty of the charges. In view of the aforesaid discussion, point number (iii) need not require any consideration.
8. **Point No. (iv):-** In the result, Accused is found not guilty of the offences punishable under sections 294(b) and 324 of IPC and accordingly he is acquitted of the said charges under section 248(1) Cr.P.C. His bail bonds stand cancelled and he is set at liberty.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected and pronounced by me, in open court, on this the 9th day of June, 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	Salahudheen (CW2)	Occurrence witness
PW2	Nasarudheen (CW1)	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 29.5.26

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	

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

//True Copy/

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