

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST
CLASS-I, KOTTARAKKARA.**

Present :- **Sri. Arjun Raj. E. R., Judicial Magistrate of the 1st Class.**

Tuesday, 21st day of April 2026/ 1st Vaisakha 1948

CALENDAR CASE No.131/2020

Complainant : State-represented by the Sub Inspector of Police,
Kottarakkara Police Station. (Crime No.3768/2019)
(By Smt. Shyla Mathai, A.P.P. Gr. - I, Kottarakkara)

Accused : Suku, S/o Thankappan
(By Adv. B. Vijayan)

Offence : Under sections 294(b), 341, 323 and 506(i) of the
Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : Accused is found not guilty of the offence punishable
under sections 294(b), 341, 323 and 506(i) of the Indian Penal Code and is acquitted
under section 255(1) of the Code of Criminal Procedure.

Date of

Occur- rence	Compl- aint	Appreh- ension	Release on bail	Comme- ncement of trial	Commen- cement of evidence	Close of trial	Sentence or order	Period of detention undergone during investigation of trial for the purpose of Section 428 of Cr.P.C.
24.11.19	11.02.20	04.05.23	04.05.23	25.07.23	09.02.26	20.04.26	21.04.26	---

Description of accused

Sl. No.	Name	Age	Father's name	Residence	Taluk
1	Suku	44/19	Thankappan	Arathi Bhavan, Near S.K.V. School, Thrikkannamangal, Kottarakkara	Kottarakkara

This case having been finally heard on 20.04.2026 and the Court on 21.04.2026 delivered the following:-

JUDGMENT

1. This case arose on a final report filed by the Sub Inspector of Police, Kottarakkara Police Station in Crime No.3768/2019 against the accused alleging offences punishable under sections 294(b), 341, 323 and 506(i) of the Indian Penal Code (hereinafter "IPC").
2. **The prosecution case, in brief, is as follows:-** On 24.11.2019 at about 19.40 hours, in the parking lot of the private bus stand at Pulamon muri, Kottarakkara village, the accused, with the intention of causing bodily injury to CW1, committed unlawful acts. While CW1 was engaged in conversation with Aaron, the driver of a private bus, the accused caught hold of CW1, struck him on the chest and left eye, uttered obscene words, and intimidated him. By these acts, the accused caused physical harm and mental distress to CW1. Thus, the prosecution alleges that the accused committed offences punishable under sections 294(b), 341, 323 and 506(i) of IPC.

3. First Information Statement was given before the Sub Inspector of Police, Kottarakkara Police Station on 26.11.2019. First Information Report was registered by the 10th witness on that date. Final Report was filed by the 10th witness before this court and cognizance was taken by this court on 11.02.2020 for the offence punishable under sections 294(b), 341, 323 and 506(i) of IPC and the case was taken on the files of this court as CC 131/2020.
4. Upon issuance of summons, the accused appeared before the court. He was released on bail. Copies of all relevant prosecution records were furnished to him. Particulars of offences under sections 294(b), 341, 323 and 506(i) of IPC were read over and explained to the accused to which he pleaded not guilty and claimed to be tried.
5. On the side of prosecution, PW1 was examined and Ext.P1 was marked. As the material witness failed to support the prosecution case, the learned Assistant Public Prosecutor gave up the remaining witnesses. Since there is no incriminating evidence against the accused, examination under section 313(1)(b) of the Code of Criminal Procedure (hereinafter "Cr.P.C.") was dispensed with.
6. Heard both sides and perused the records.
7. Points that arose for consideration are:-
 1. Whether the accused, on 24.11.2019 at 19.40 hours, in the parking lot of the private bus stand at Pulamon muri, Kottarakkara village, uttered obscene

words towards PW1 and thereby committed the offence punishable under section 294(b) of IPC?

2. Whether the accused, on the above date, time and place, wrongfully restrained PW1 and thereby committed the offence punishable under section 341 of IPC?
 3. Whether the accused, on the above date, time and place, voluntarily caused hurt to PW1 by assaulting him and thereby committed the offence punishable under section 323 of IPC?
 4. Whether the accused, on the above date, time and place, criminally intimidated PW1 and thereby committed the offence punishable under section 506(i) of IPC?
 5. If the accused is found guilty, what is the order as to sentence?
8. **Point Nos. 1 to 4** :- For the sake of convenience and to avoid repetition, these points are dealt with together.
9. PW1 was the de facto complainant who stated that he is unaware of the accused. He admitted that he had stated the name of the accused person based on the hearsay knowledge. It was through him Exhibit P1 First Information Statement was marked. As the material witness gave evidence against the prosecution case, the remaining witnesses were given up by the prosecution.
10. The prosecution's material witness, PW1, did not support the case as projected by the prosecution. There is no material on record to conclusively establish that the accused was involved or had committed the offence alleged. Upon a careful

evaluation of the evidence available on record, this Court finds that the prosecution has failed to prove the guilt of the accused beyond reasonable doubt. Accordingly, these points are answered against the prosecution.

11. **Point No.5** :- In view of the findings on point number 1 to 4, there is no question of passing any sentence against the accused.

12. In the result, the accused is found not guilty of the offences punishable under sections 294(b), 341, 323 and 506(i) of IPC and is acquitted under section 255(1) of Cr.P.C.. His bail bond stands 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 21st day of April, 2026.

Sd/-

Judicial Magistrate of 1st Class - I, Kottarakkara.

APPENDIX

List of Prosecution / Defence / Court Witnesses

A. Prosecution Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Nihas	Injured witness

B. Defence Witness

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
	Nil	

C. Court Witnesses

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	First Information Statement dated 26.11.2019 marked through PW1 on 09.02.2026.

B. Defence Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

C. Court Exhibits

Sl.No.	Exhibit Number	Description
	Nil	

D. Material Objects

Sl.No.	Exhibit Number	Description
	Nil	

Sd/-

Judicial Magistrate of 1st Class-I, Kottarakkara.

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Judicial Magistrate of 1st Class-I, Kottarakkara.