

**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.

Monday, 1st day of June 2026/ 11th Jyaishta 1948

CALENDAR CASE No.1422/2016

Complainant : State-represented by the Additional Sub Inspector of Police,
Kottarakkara Police Station. (Crime No.2063/2015)
(By Smt. Shyla Mathai, A.P.P. Gr. - I, Kottarakkara)

Accused : A1 Rahul, S/o Rajan
A2 Dileep @ Rajesh, S/o Sobhana
(By Adv. Liziya Beegom. H.)

Offence : Under sections 294 (b), 323 and 326 r/w 34 of the
Indian Penal Code.

Plea : Not guilty

Finding : Not guilty

Sentence or order : The first and the second accused are found not guilty of
the offences punishable under sections 294 (b), 323 and 326 r/w 34 of the Indian Penal
Code and are acquitted under section 271(1) of Bharatiya Nagarik Suraksha Sanhita,
2023.

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 468 of BNSS.
06.03.15	23.11.16	11.12.18 -A2, 02.09.24 -A1	11.12.18 -A2, 02.09.24 -A1	27.09.24	12.05.26	01.06.26	01.06.26	---

Description of accused

Sl. No.	Name	Age	Father's name	Residence	Taluk
1	A1 Rahul	24/15	Rajan	Raj Bhavan, Karamukal, Mylom Muri, Mylom Village.	Kottarakkara
2	A2 Dileep @ Rajesh	30/15	Sobhana	Marangattu Veedu, Near Karamukal School, Kalayapuram Muri, Kalayapuram Village.	-do-

This case having been finally heard on 01.06.2026 and the Court on 01.06.2026 delivered the following:-

JUDGMENT

1. This case arose on a final report filed by the Additional Sub Inspector of Police, Kottarakkara Police Station in Crime No.2063/2015 against the accused persons alleging offences punishable under sections 294 (b), 323 and 326 r/w 34 of the Indian Penal Code (hereinafter “IPC”).
2. **The prosecution case, in brief, is as follows:-** On 06.03.2015 at 20.00 hours, in the tar road and surroundings near the Carmel School in Kalayapuram village, the accused persons in furtherance of their common intention and preparation to cause bodily injury to CW1 due to previous animosity had committed certain unlawful acts. The accused persons by wrongfully restrained CW1 by holding onto his shirt and uttered obscene words. The first accused using an iron rod had beaten on the right wrist of CW1 causing fracture. The second accused had also

assaulted CW1 causing him pain. Thus, the prosecution alleges that the accused committed offences punishable under sections 294 (b), 323 and 326 r/w 34 of IPC.

3. CW1 filed a private complaint (CMP 1813/2015) before the Court of Judicial Magistrate of the 1st Class – I, Kottarakkara and the same was forwarded to Kottarakkara Police Station for investigation u/s.156(3) Cr.P.C. Complaint was registered as Crime No.2063/2015 by the 7th witness on 20.08.2015. Final Report was filed by the eighth witness before this court and cognizance was taken by this court on 23.11.2016 for the offence punishable under sections 294 (b), 323 and 326 r/w 34 of IPC and the case was taken on the files of this court as CC 1422/2016.
4. Upon issuance of summons, the first and the second accused appeared before the court. They were released on bail. Copies of all relevant prosecution records were furnished to them. Upon perusal of the prosecution records and after hearing both parties, charge was framed against the first and the second accused for the offences punishable under sections 294 (b), 323 and 326 r/w 34 of IPC. The charge was read over and explained to the first and the second accused, to which they 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 first and the second accused, examination under section 351(1)(b) of Bharatiya Nagarik Suraksha Sanhita, 2023 (hereinafter “BNSS”) was dispensed with.
6. Heard both sides and perused the records.
7. Points that arose for consideration are:-
 - 1) Whether the accused in furtherance of their common intention, on 06.03.2015 at 20.00 hours, in the tar road and surroundings near the Carmel School in Kalayapuram village, uttered obscene words towards PW1 and thereby committed the offence under section 294(b) r/w 34 of IPC?
 - 2) Whether the accused in furtherance of their common intention, on the above date, time and place, voluntarily caused hurt to PW1 and thereby committed the offence under section 323 r/w 34 of IPC?
 - 3) Whether the first accused in furtherance of their common intention, on the above date, time and place, voluntarily caused grievous hurt to PW1 with an iron rod and thereby committed the offence under section 326 r/w 34 of IPC?
 - 4) If the first and the second accused are found guilty, what is the order as to sentence?
8. **Point No. 1 to 3:-** To avoid repetition and for brevity, these points are considered together.

9. PW1 was the de facto complainant who had deposed that the accused persons did not assault him. He was declared hostile. It was through him Ext.P1 Complaint was marked. Since the material witness has turned hostile, permission was accorded under section 157 of Bharatiya Sakshya Adhiniyam, 2023 and under proviso to 181 (1) of Bharatiya Nagarik Suraksha Sanhita, 2023 to the Learned Assistant Public Prosecutor to put questions which are permissible under cross examination. As the material witness turned hostile to 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 first and the second accused 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 first and the second accused beyond reasonable doubt. Accordingly, these points are answered against the prosecution.
11. **Point No.4** :- In view of the findings on point number 1 to 3, there is no question of passing any sentence against the first and the second accused.
12. In the result, the first and the second accused are found not guilty of the offences punishable under sections 294 (b), 323 and 326 r/w 34 of IPC and are acquitted

under section 271(1) of BNSS. Their bail 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 1st day of June, 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	Satheesh	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	Complaint dated 29.04.2015 marked through PW1 on 12.05.2026.

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.