

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE
COURT, CHAVARA**

**Present :- Smt. Asha Koshy
Civil Judge(Junior Division), Chavara
19th day of March, 2026/28th Phalguna,1947.
CC 215.2018**

Complainant : State - Represented by the Sub Inspector of Police, Chavara
Police Station in Crime No.23/2018.

(By APP Chavara Smt.Smitha N)

Accused : 1.Sunny, S/o Saiman
2.Ajeesh kumar @ Ani

(Adv.K.K Rajan Pillai)

Charge : U/ss. 324 & 34 IPC

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused 1 and 2 are acquitted under section 248(1) of Code of Criminal Procedure for the offences punishable under sections 324 & 34 IPC. Bail bond executed by them stand cancelled and accused are set at liberty.

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 Cr.P.C
28.12.17	04.01.18	06.01.18	06.01.18	21.10.24	18.03.26	18.03.26	19.03.26	

Description of accused

Name	Age	Father's name	Residence	Taluk
Sunny	30/18	Saimon	Sunny bhavanam, Puthukkadu po, Menambally muri, Chavara	Karunagappally
Ajeesh kumar	38/18	Gopalakrishnan	Ajeesh bhavanam veedu, Near pavumba boat jetty, Vadakumbhagom muri, Thekkumbhagom.	Karunagappally

This case coming on 28.01.26 for hearing today, the court passed the following:-

J U D G M E N T

The accused 1 and 2 stand facing trial for the offences punishable under sections 324 & 34 IPC charge sheeted by the Sub Inspector of Police, Chavara Police Station in the crime No.23/2018.

2. The prosecution case is that, due to prior enmity, on 28 December 2017 at about 1:30 AM, Accused Nos. 1 and 2 forcibly called CW1 out of a private bus named "Sunil Travels," which was parked at the Sankaramangalam Petrol Pump where CW1 was working. The first accused attacked CW1 on the head with a sword, while the second accused assaulted him with a bottle. During the incident, the first accused also struck CW1 below the right elbow with the sword, causing a deep and grievous injury. Thus the accused persons had committed the offences alleged above.

3. The accused 1 and 2 are appeared in answer to the summons. They are granted bail. Copies were served to the learned counsel as per section 207 Code of Criminal Procedure, 1973. Charge framed and explained to accused 1 and 2 of which they pleaded not guilty and claimed to be tried.

4. From the side of prosecution, PW1 was examined and Ext.P1 marked. The material witnesses turned hostile to the examination of remaining witnesses were given up by the prosecution. Since there was no incriminating evidence against the accused 1 and 2, examination under section 313(1)(b) of the Code of Criminal Procedure, 1973 was dispensed with.

5. Heard both sides.

6. Now the points arise for considerations is:

(1) Whether the accused 1 and 2, in furtherance of their common intention, voluntarily caused hurt to PW1 with a sword and thereby committed the offence punishable under section 324 IPC?

(2) If found guilty, order as to sentence?

7. **Point No.1** : For the sake of brevity and convenience, this point is considered. PW1 deposed that he had sustained injury due to the alleged incident but he could not see the culprit. According to him accused persons did not assaulted him. Ext P1, F.I statement marked through him. It is clear from the testimony of PW1 that case is amicably settled between parties.

8. The victim turned hostile to the prosecution case. Resultantly prosecution has not been able to prove that the accused persons had committed any offences as alleged. In the result, point numbers 1 is found against the prosecution.

9. **Point No.5**: In the view of the discussion on point no.1, the accused 1 and 2 are found not guilty to the offences punishable under sections 324 r/w 34 IPC.

10. In the result, Accused 1 and 2 are acquitted under section 248(1) of Code of Criminal Procedure for the offences punishable under sections 324 & 34 IPC. Bail bond executed by them stand cancelled and accused 1 and 2 are set at liberty.

Dictated to the Confidential Assistant typed by her, corrected and pronounced by me, in open court, on this the 19th day of March, 2026.

SD/-

Judicial First Class Magistrate, Chavara
APPENDIX

List of Prosecution/Defence/Court Witnesses

A. Prosecution Witnesses

Rank	Name	Whether Eye Witness, Police Witness, Expert witness, Medical Witness, other witness
PW1	Bhagya Raj	Complainant

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
	P1	FIS dated 04.01.18 marked through PW1 on 18.03.26.

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, Chavara.