

**IN THE COURT OF THE JUDICIAL FIRST CLASS MAGISTRATE,
S.PARAVUR**

Present: Smt. Aparna.V,
Judicial First Class Magistrate,
Dated this the 04th day of April, 2026

Calendar Case No.1304/2009

Complainant	:	State of Kerala Represented by The SHO of Poilce, Paravur Police Station. Crime No.346/2004 (By A.P.P., S.Paravur)
Accused	:	A3.Bijulal, S/o.Babu, Idayila veedu, Kallumthodiyil, Nedungolam.P.O, Kollam. (By Adv.Sri.B.Jayesh Chandran)
Offence	:	Punishable under section. 341, 323, 324, 427 of IPC
Plea	:	Not Guilty
Finding	:	Not Guilty
Sentence/Order	:	Accused is found not guilty of the offences U/s. 341, 323, 324, 427 of IPC and is acquitted U/S 248(1) CrPC

Date of							
Offence	Report of Complaint	Apprehension	Release on bail	Commencement of trial	Close of trial	Sentence or order	Explain delay for and remarks
25.09.2004	26.09.2004	26.09.2004	----	08.01.2026	04.04.2026	04.04.2026	No delay

Description of accused

Name	Father's name	Age	Caste or Religion	Calling	Residence	Taluk
A3.Bijulal	Babu	22/2004	Idayila veedu, Kallumthodiyil, Nedungolam.P.O, Kollam.	Kollam

J U D G M E N T

This is a case charged by the Sub Inspector of Police, Paravoor Police Station in Crime No.346/2004 against the accused alleging the commission of offences punishable U/s.341, 323, 324, 427 of the Indian Penal Code (here in after IPC).

2. The prosecution case in brief is that there existed previous enmity between the accused persons and CW1. Owing to this enmity, at 12.00 am of 25.09.2004, the accused persons unlawfully assembled carrying dangerous weapons like wild sticks and stones. The accused person wrongfully restrained CW1 near Nedungolam market. Then the first accused uttering obscene words threatened CW1. He slapped CW1. Then the third accused with the wild stick beat on the backside of CW1's head. All the accused smashed CW1 with stick and stone. Then the second accused using a sharp stone beat CW1. In the incident, CW1 lost his gold chain and elas worth Rs.4,000/-. Thus the accused persons are alleged to have committed the aforesaid offences.

3. Initially the case was taken as CC.446/2005 against A1 to 5 and A1,4 & 5 were acquitted on 14.08.2009. A2 was acquitted on 23.011.2024 in CC.804/2009. The case against A3 was in LP register. A3 was represented by a

counsel of his own choice. Copy of documents were furnished to the accused U/s.307 Cr.PC. He was granted bail. After hearing both sides, the charge was framed u/s. 341, 323, 324, 427 of IPC and read over and explained to A3. He pleaded not guilty and claimed to be tried. .

4. From the side of prosecution eight witnesses CW1 to CW8 were cited. The prosecution evidence consist of oral evidence of PW1 to PW5 and documentary evidence Ext.P1 to P5. The prosecution failed to produce CW1 as CW1 was abroad and several processes were issued and coercive steps were taken for his appearance. The SHO filed report that presence of CW1 cannot be procured in near future. As the crime is of the year 2009, I was constrained to decline further time to prosecution and evidence of CW1 was closed. Ultimately, APP gave up CW6. CW7 expired during the trial.

5. There was no incriminating evidence against the accused person. Thus examination u/s.313 Cr.PC was dispensed. The defense did not adduce any evidence.

6. Heard both sides and perused the documents.

7. The points for consideration in the case are:

1. Whether the accused A3 unlawfully restrained CW1?

2. Whether the accused A3 voluntarily caused hurt to CW1?
3. Whether the accused A3 voluntarily caused hurt to CW1 using dangerous weapons like wild sticks and stones?
4. Whether the accused A3 caused a loss of Rs.4000/- to CW1?
5. If so, sentence and order?

8. Point No. 1 to 4: These points are considered together as they are concomitant to each other. PW1 to PW4 are cited as occurrence witness by the prosecution. However, they are oblivious of the incident and they refuted giving statement to the police.

9. PW5 is the investigating officer. According to PW5, the officer who registered FIR is no more. He took over the investigation, reached the place of crime and prepared Ext.P3, scene mahasar. He conducted the investigation and filed Ext.P4 address report of the accused persons A1 to 3. Thereafter, he filed Ext.P5 report in court stating that the person mentioned in FIR as identifiable accused was deleted from the investigation. After completing the investigation, he filed the final report in court.

10. The prosecution allegation against the accused persons are under section 341, 323, 324, 427 of IPC. From the above evidence, it is clear that the evidence of the occurrence witnesses PW1 to PW4 contravening the

prosecution. Prosecution did not produce any other substantive evidence. In the absence of substantive evidence, the evidence of PW5 are little use of prosecution. In this circumstance, there is no materials on record to conclude that the act of the accused attracts the ingredients of the offense under section 341, 323, 324, 427 of IPC alleged against him. Thus, I am unable to conclude the guilt of the accused. In the light of lack of evidence, the prosecution has failed to prove the case beyond reasonable doubt against the accused. Hence, the points no. 1 to 4 are is found in favour to the accused.

11. Point No. 5:- In result the accused A3 is found not guilty of the offences U/s. 341, 323, 324, 427 of Indian Penal Code and he is acquitted U/s.248(1) Cr.P.C. His bond stands cancelled and he is set at liberty forthwith. The material objects, if any, shall be disposed as per R.266 of Cr.PC.

(Dictated to the Confidential Assistant, transcribed and typewritten by her, corrected and pronounced by me in open court dated this the 04th day of April, 2026)

Sd/-
Judicial First Class Magistrate,
S. Paravur.

APPENDIX

Witnesses for the prosecution:

PW1 : Manoj

PW2 : Manju
PW3 : Sheeja
PW4 : Radha
PW5 : K.Sivasankaran

Exhibit for the prosecution:

P1 - FIS
P1(a) - Body note
P2 - FIR
P3 - Scene Mahazar
P4 - Address Report
P5 - Report

Witness for the defence : Nil

Exhibit for the defence : Nil

Material objects : Nil

Sd/-
Judicial First Class Magistrate,
S. Paravur.