

**IN THE COURT OF THE JUDICIAL MAGISTRATE OF THE FIRST CLASS- II,
SOUTH PARAVUR, KOLLAM**

**Present :- Ms. Athira Chandran U.B.,
Judicial Magistrate of the First Class.**

Thursday, the 11th day of June, 2026/21st day of Jyeshtham, 1948

Calendar Case No. 579/2018

Complainant : State - Represented by the Sub Inspector of Police,
Parippally Police Station in Crime No. 26/2018

*(Represented by Smt. Dhanya A. S.,
Assistant Public Prosecutor-II, Paravur)*

Accused No. : 1. Aneesh, Aged 34, S/o. Unni,
Neethu Bhavan, Kulathoorkonam,
Kalluvathukkal Village.

2. Anandu, Aged 27, S/o. Unni,
Neethu Bhavan, Kulathoorkonam,
Kalluvathukkal Village.

3. Vipin @ Tharas, Aged 28, S/o. Thambi,
Charuvila Veedu, Kulathoorkonam,
Kalluvathukkal Village.

(Represented by Adv. V S Sreejan)

Charge : Under sections 323 and 324 r/w 34 of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : Accused no. 1 to 3 are acquitted u/s. 248(1) of Cr. PC for the offences punishable under sections 323 and 324 r/w 34 of IPC. Bail bonds executed by accused no. 1 to 3 stand cancelled and they are set at liberty.

DESCRIPTION OF THE ACCUSED

Sl. No.	Name of the Police Station and the Crime No. of the offence	Name and Rank	Father's Name	Occupation	Residence	Age
1.	Parippally Police Station crime no. 26/2018	Aneesh (1)	Unni	--	Neethu Bhavan, Kulathoorkonam, Kalluvathukkal Village.	34
2.	Parippally Police Station crime no. 26/2018	Anandu (2)	Unni	--	Neethu Bhavan, Kulathoorkonam, Kalluvathukkal Village.	27
3.	Parippally Police Station crime no. 26/2018	Vipin @ Tharas (3)	Thambi	--	Charuvila Veedu, Kulathoorkonam, Kalluvathukkal Village.	28

DATE OF

Occurrence	Complaint	Apprehension	Release on bail	Commitment	Commencement of trial	Commencement of evidence	Close of trial
02.01.2018	11.07.2018	17.07.2019	17.07.2019	--	16.06.2022	27.06.2023	08.06.2026

Sentence or Order	Service of copy of judgment or finding on accused	Explanation for delay	Period of detention undergone during investigation, inquiry or trial for the purpose of Section 428 Cr. PC
11.06.2026	--	No Delay	--

This case having been finally heard on 08.06.2026 and the Court on 11.06.2026, delivered the following:-

J U D G M E N T

This case arose on a final report filed by the Sub Inspector of Police, Parippally Police Station in crime no. 26/2018 against the accused alleging offences punishable under sections 323 and 324 r/w 34 of the Indian Penal Code, 1860 (herein after referred as IPC).

2. The prosecution case in brief is that on 02.01.2018 at about 1.00 p.m., at the temple compound situated on the eastern side of the road leading to Nedaji Club, Kulathoor Konam Cheri, Parippally Village, the accused Nos. 1 to 3, in furtherance of their common intention to cause bodily harm to CW1, due to their previous animosity arising out of a misunderstanding that about one year prior to the incident CW1 had attempted to tear off the shuttle net tied by the first accused at the shed situated in the ground of Chennottikavu Temple, assaulted CW1. It is alleged that the first accused took CW1 to the said place and the accused Nos. 2 and 3, who were waiting there, assaulted CW1 with a brick, chair and wooden stick, causing bleeding injury on his nose, injury on his left hand and bodily pain. Hence, the accused no. 1 to 3 are said to have committed offences punishable under Sections 323, 324 read with 34 of the Indian Penal Code.

3. First Information Statement was given before CW7, SI, Parippally Police Station on 07.01.2018. The First Information Report was registered by CW7 on that date. Final report was filed by CW7 before this court and cognizance was taken by this court on 11.07.2018 for the offences punishable under sections 323 and 324 r/w 34 of IPC and the case was taken on the files of this court as CC 579/2018.

4. Upon issuance of summons, accused no. 1 to 3 appeared before the court and they were released on bail. Copies of all relevant prosecution records were furnished to them U/s. 207 of the code of criminal procedure, 1973 (hereinafter referred as Cr.P.C). Upon perusal of the prosecution records and after hearing both parties, charge was framed against accused no. 1 to 3 under sections 323 and 324 r/w 34 of IPC. When the charge was read over and explained to accused no. 1 to 3, they pleaded not guilty and claimed to be tried.

5. On the side of the prosecution PW1 to PW3 were examined and Ext. P1 to Ext. P3 were marked. CW1 to CW3 were examined as PW3, PW1 and PW2 respectively. Other witnesses were given up by the learned Assistant Public Prosecutor as no purpose will be served and will only end in waste of valuable time of court. Since no incriminating materials came up before this court, examination of accused no. 1 to 3 u/s. 313 (1)(b) of Cr. PC was dispensed with. No defence evidence was adduced.

6. Heard both sides and perused the records.

7. Considering the rival contentions and available materials on

record, points that arose for consideration are as follows:-

1. Whether on 02.01.2018 at about 1.00 p.m., at the temple compound situated on the eastern side of the road leading to Nedaji club, Kulathoor Konam Cheri, Parippally Village, the accused No.1 to 3 voluntarily caused hurt to PW1 by beating him and thereby committed an offence punishable under Section 323 read with Section 34 of the Indian Penal Code?
2. Whether on the above said date, time and place the accused Nos.1 to 3 voluntarily caused hurt to CW1 by using the wooden stick, chair and brick and thereby committed an offence punishable under Section 324 read with Section 34 of the Indian Penal Code?
3. If the accused are found guilty what shall be the order as to sentence?

8. Point No. 1 and 2 :- For the sake of convenience and brevity, point nos. 1 and 2 are considered together. PW1 and PW2 are the occurrence witnesses cited by the prosecution in this case. However, they deposed before the court that they did not know about the alleged incident and that they had not witnessed the alleged occurrence. They also failed to identify the accused persons in the court. Since they did not support the prosecution case, they were

declared hostile to the prosecution and the learned Assistant Public Prosecutor was permitted to put questions to them under Section 154 of the Indian Evidence Act.

9. The defacto complainant in this case was examined as PW3. He deposed that the accused persons had not assaulted him as alleged by the prosecution and that he did not know who had attacked him. The First Information Statement was marked through him as Exhibit P3. Since PW1 also did not support the prosecution version, he was declared hostile to the prosecution and the learned Assistant Public Prosecutor was permitted to put questions to him under Section 154 of the Indian Evidence Act. As the material witness turned hostile to the prosecution case, the examination as to the remaining witnesses were given up by the prosecution.

10. The present case revolves around the allegation that the accused no. 1 to 3 manhandled PW3 and voluntarily caused hurt. In the present case, there is nothing brought out through the evidence of PW1 to PW3, implicating that the accused have committed the alleged crime. There is no material on record to conclusively establish that the 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 accused beyond reasonable doubt. Accordingly, these points are answered against the prosecution.

11. **Point No. 3:-** In the view of the findings of point no. 1 and 2, there is no question of passing any sentence against accused no. 1 to 3.

In the result, accused no. 1 to 3 are found not guilty of the offences punishable under sections 323 and 324 r/w 34 of IPC and accused no. 1 to 3 are acquitted u/s. 248(1) of Cr. PC for the offences, punishable under sections 323 and 324 r/w 34 of IPC. Bail bonds executed by accused no. 1 to 3 stand cancelled and they are set at liberty.

(Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 11th day of June, 2026.)

Sd/-

**Judicial Magistrate of the First Class- II,
Paravur**

APPENDIX

Witnesses for prosecution :-

Prosecution witness no.	Name of Witness	Description
PW1	Mr. Raju (CW2)	Eye witness
PW2	Mrs. Subha (CW3)	Occurrence witness
PW3	Mr. Vishnu (CW1)	De facto complainant

Exhibit for prosecution:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
P1	Portion of sec. 161 Cr. PC Statement	PW1 on 27.06.2023
P2	Portion of sec. 161 Cr. PC Statement	PW2 on 27.06.2023
P3	First Information Statement dated 07.01.2018	PW3 on 08.06.2026

Witnesses for Defence :-

Prosecution witness no.	Name of Witness	Description
Nil		

Exhibit for Defence:

Exhibit No.	Description of the Exhibit	Proved by /Attested by
Nil		

Material Objects :-

Material Object No.	Description of the Exhibit	Proved by/Attested by
Nil		

Sd/-
**Judicial Magistrate of the First Class-II,
 Paravur**