

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

**Present :- Smt. Chithralekha N S,
Judicial Magistrate of the First Class.**

Thursday, the 10th day of April, 2026/ 20th day of Chaithram, 1948

Calendar Case No. 1795/2015

Complainant : State - Represented by the Sub Inspector of Police,
Parippally Police Station in Crime No. 1343/2011.
(Represented by Assistant Public Prosecutor, Paravur)

Accused : Pradeep, Aged 48, S/o. Parameswaran Pillai,
Viji Nivas, Pampuram, Parippally Village.
(Represented by Adv. S Letha)

Charge : Under sections 324, 341 and 325 of IPC.

Plea : Not Guilty

Finding : Not Guilty

Sentence/Order : The accused is acquitted u/s. 248(1) Cr. PC for the offences punishable under sections 341 and 325 of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

DESCRIPTION OF THE ACCUSED

| Sl. No. | Name | Father's Name | Age | Residence | Taluk |
|---------|---------|---------------------|-----|--|--------|
| 1. | Pradeep | Parameswaran Pillai | 48 | Viji Nivas, Pampuram, Parippally Village. | Kollam |

DATE OF

| Occurrence | Complaint | Apprehension / appearance | Release on bail | Commencement of trial | Close of trial | Sentence or Order | Explanation for delay |
|------------|------------|---------------------------|-----------------|-----------------------|----------------|-------------------|-----------------------|
| 21.10.2011 | 14.12.2011 | 04.05.2019 | 04.05.2019 | 04.11.2019 | 10.04.2026 | 10.04.2026 | No delay |

This case having been finally heard on 10.04.2026 and the Court on the said day, delivered the following:-

J U D G M E N T

This case was taken cognizance upon a final report filed by the Sub Inspector of Police in Crime No. 1343/2011 of Parippally Police Station alleging the commission of offences punishable under sections 324, 341 and 325 of the Indian Penal Code, 1860 (for short – 'IPC').

2. The prosecution case in brief is as follows:- At 10.00 pm on 21.10.2011 the accused caused multiple stab injuries to PW3. As he fell down PW3 sustained injury to his right small finger. PW1 was also assaulted and he sustained various injuries. Hence the accused is alleged to have committed the offences punishable under sections 324, 341 and 325 of IPC.

3. Upon receipt of the final report, this court took cognizance of the offences and issued process against the accused. The accused was enlarged on bail and he was represented by a lawyer of his choice. Charge for the offences punishable u/ss. 341 and 325 of IPC were framed, read over and explained to the accused. He pleaded not guilty and claimed to be tried.

4. As per final report, altogether eight witnesses were proposed from the side of prosecution including the victim and the occurrence witnesses. CW1 to CW3 were examined as PW3, PW1 and PW2 respectively and Ext. P1 was marked from the side of prosecution. CW4 was reported as no more and death certificate of CW4 was produced. As PW1 to PW3 turned hostile to the prosecution case the rest of the 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 the accused u/s. 313 Cr. PC was dispensed with. No defence evidence was adduced.

5. The matter was considered for final decision after hearing the learned Assistant Public Prosecutor and the learned counsel who appeared for the accused. Perused the relevant records.

6. The points which arose for consideration are:

1. Whether the accused at 10.00 pm on 21.10.2011 voluntarily obstructed PW3 so as to prevent him from proceeding in any direction in which he had a right to proceed attracting the offence punishable u/s. 341 of IPC ?

2. Whether the accused at 10.00 pm on 21.10.2011 voluntarily caused grievous hurt to PW3 attracting the offence punishable u/s. 325 of IPC?
3. If found guilty, what order as to sentence?

7. **As to Point Nos. 1 and 2** :- For the sake of convenience and brevity, point nos. 1 and 2 are considered together.

PW3 would submit that he lodged Ext. P1 First Information Statement following the incident. He refused to have sustained any injuries at the hand of the accused. It was also submitted that the matters leading to the case were settled among parties. He was declared hostile to prosecution. PW1 who was also a victim refused to state who committed the offence in question. He was declared hostile to prosecution. PW2 being an eyewitness refused to support the prosecution and submitted to have not witnessed the incident. Accordingly he was declared as hostile.

8. The victims as well as the occurrence witnesses turned hostile. Therefore the prosecution could not adduce adequate proof regarding the offences in question. There exists no material to hold the accused guilty for the offences. Therefore the prosecution fails to prove its case.

Hence, point nos. 1 and 2 stand not proved.

9. **As to Point No. 3:-** In view of the discussions on point nos. 1 and 2, the accused is found not guilty to the offences punishable under sections 341 and 325 of IPC. Hence, he is only to be acquitted for the said offences.

In the result:-

The accused is acquitted u/s. 248(1) Cr. PC for the offences punishable under sections 341 and 325 of IPC. Bail bond executed by the accused stands cancelled and he is set at liberty.

Dictated to the Confidential Assistant directly, corrected and pronounced by me, in open court, on this the 10th day of April, 2026.

SD/-

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

APPENDIX

Witnesses for prosecution :-

| Prosecution witness no. | Name of Witness | Description |
|-------------------------|------------------------|---------------------|
| PW1 | Mr. Shaji (CW2) | Occurrence witness |
| PW2 | Mr. Pranav (CW3) | Occurrence witness |
| PW3 | Mr. Jayachandran (CW1) | Defacto complainant |

Exhibit for prosecution:

| Exhibit No. | Description of the Exhibit | Proved by /Attested by |
|-------------|-----------------------------|------------------------|
| P1 | First Information Statement | PW1 |

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